

school districts, including common school districts, and validating all of the actions of any County Board of Trustees with reference to annexation of territory to school districts or detachment of territory from school districts or any type of annexation whatsoever; making this Act applicable to certain counties according to the last preceding Federal Census and providing that no part of this Act shall affect any litigation now pending and that only Acts passed by the four-fifths majority of the County Board of Trustees shall be valid, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 7, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 809, "An Act prohibiting the setting of any steel trap, snare, or deadfall in Colorado County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 7, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 915, "An Act authorizing the county school board of trustees in counties of a population of not less than seventeen thousand, five hundred (17,500) and not more than seventeen thousand, five hundred and seventy (17,570) according to the last preceding Federal Census, upon proper petition to detach territory lying in county-line districts and attach same to any school district; providing for adjustment of bonded indebtedness; repealing all laws and parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 6, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 974, "An Act relating to the jurisdiction of the County Court of Sterling County, conferring upon said Court civil and criminal jurisdiction, and increasing the criminal and civil jurisdiction of said Court; conforming the jurisdiction of the District Court of said County to such change; fixing the time of holding Court, and to repeal all laws in conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

FIFTIETH DAY

(Friday, April 9, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Deglandon
Adkins	Dickison
Alexander	Dollins
Alsup	England
Amos	Farmer
Baker	Felty
Bates	Fielden
Beckworth	Fox
Bell	Fuchs
Blankenship	Gibson
Boethel	Graves
Bond	Hamilton
Boyer	Hankamer
Bradbury	Hanna
Bradford	Harbin
Bridgers	Hardin
Broadfoot	Harper
Brown	Harrell
Burton	Harris of Archer
Cagle	Harris of Dallas
Callan	Harris of Dickens
Cathey	Hartzog
Cauthorn	Heflin
Celaya	Herzik
Cleveland	Holland
Colquitt	Hoskins
Davis of Jasper	Howard
Davison of Fisher	Huddleston
Davisson	Hull
of Eastland	Hyder
Dean	Jackson

James	Petsch
Johnson of Ellis	Pope
Johnson	Powell
of Tarrant	Prescott
Jones of Angelina	Quinn
Jones of Atascosa	Ragsdale
Jones of Falls	Reader
Jones of Wise	Reed of Bowie
Keefe	Reed of Dallas
Keith	Rhodes
Kenyon	Riddle
King	Roark
Knetsch	Russell
Langdon	Rutta
Lankford	Schuenemann
Lanning	Settle
Leath	Sharpe
Leonard	Shell
Leyendecker	Simpson
Little	Skaggs
Loggins	Smith of Hopkins
London	Smith of Tarrant
Mann	Stevenson
Mauritz	Stinson
Mays	Stocks
McCracken	Talbert
McDonald	Tarwater
McFarland	Tennyson
McKee	Thornberry
McKinney	Thornton
Metcalfe	Vale
Moffett	Waggoner
Monkhouse	Walker
Morris	Weldon
Morse	Westbrook
Newton	Winfree
Nicholson	Wood
Palmer	Worley
Patterson of Mills	
Patterson	
of Travis	

Absent—Excused

Carssow	Oliver
Davis of Haskell	Ross
Derden	Sewell
Kelt	Smith
Kern	of Matagorda
Lucas	Tennant
McConnell	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hyder temporarily for today, on motion of Mr. Worley.

Mr. Tennant for today, on motion of Mr. Gibson.

Mr. Smith of Matagorda for today, on motion of Mr. Heflin.

Mr. Kelt for today, on motion of Mr. Westbrook.

The following Members were granted leaves of absence on account of illness:

Mr. Davis of Haskell for today, on motion of Mr. Fuchs.

Mr. Carssow for today, on motion of Mr. Talbert.

Mr. Oliver for today, on account of illness in his family, on motion of Mr. Deglandon.

Mr. Derden for today, on motion of Mr. Cagle.

Mr. Sewell for today, on motion of Mr. Johnson of Ellis.

HOUSE BILLS ON FIRST READING

Mr. Lankford moved to introduce, at this time, and have placed on first reading, House Bill No. 1084.

The motion prevailed by the following vote:

Yeas—99

Amos	Hoskins
Baker	Hull
Bates	James
Bell	Johnson of Ellis
Blankenship	Johnson
Boethel	of Tarrant
Bond	Jones of Angelina
Boyer	Jones of Falls
Bradbury	Jones of Wise
Bridgers	Keefe
Broadfoot	Keith
Burton	King
Cagle	Lankford
Cleveland	Lanning
Davis of Jasper	Leath
Davison of Fisher	Leonard
Davisson	Leyendecker
of Eastland	Little
Dean	Mann
Deglandon	Mays
Dickison	McConnell
Dollins	McCracken
England	McDonald
Farmer	McFarland
Felty	McKinney
Fielden	Metcalfe
Fuchs	Moffett
Gibson	Monkhouse
Hankamer	Morris
Hanna	Morse
Harbin	Newton
Hardin	Palmer
Harper	Patterson of Mills
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dickens	Petsch
Heflin	Pope
Herzik	Powell

Prescott	Stevenson
Reader	Stinson
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennyson
Rutta	Thornberry
Schuenemann	Thornton
Settle	Vale
Shell	Walker
Simpson	Weldon
Skaggs	Winfree
Smith of Hopkins	Wood
Smith of Tarrant	Worley

Nays—15

Alsup	McKee
Callan	Riddle
Hamilton	Roark
Harris of Dallas	Russell
Kenyon	Sharpe
Knetsch	Stocks
Langdon	Waggoner
Loggins	

Absent

Adkins	Holland
Alexander	Howard
Beckworth	Huddleston
Bradford	Jackson
Brown	Jones of Atascosa
Cathey	London
Cauthorn	Mauritz
Celaya	Nicholson
Colquitt	Quinn
Fox	Ragsdale
Graves	Westbrook
Hartzog	

Absent—Excused

Carssow	Oliver
Davis of Haskell	Ross
Derden	Sewell
Hyder	Smith
Kelt	of Matagorda
Kern	Tennant
Lucas	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Lankford:

H. B. No. 1084, A bill to be entitled "An Act providing a method for the extermination of gophers and salamanders in Rains County, Texas; providing for the appointment of supervisors for the carrying out of the campaign; providing a bounty to be paid for each such animal killed; making an appropriation; providing this Act shall be operative for four

months only, and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Leath moved to introduce, at this time, and have placed on first reading, House Bill No. 1085.

The motion prevailed by the following vote:

Yeas—106

Alexander	Kenyon
Alsup	King
Amos	Knetsch
Baker	Langdon
Bates	Lankford
Beckworth	Lanning
Bell	Leath
Blankenship	Leonard
Boethel	Leyendecker
Boyer	Little
Bradbury	Loggins
Bridgers	London
Brown	Mann
Burton	Mays
Cagle	McConnell
Callan	McDonald
Cathey	McFarland
Cleveland	Metcalf
Colquitt	Moffett
Davis of Jasper	Monkhouse
Davisson	Morris
of Eastland	Morse
Dean	Newton
Deglandon	Nicholson
Dickison	Palmer
Dollins	Patterson
England	of Travis
Farmer	Petsch
Felty	Powell
Fielden	Reed of Bowie
Fuchs	Reed of Dallas
Hamilton	Rhodes
Hankamer	Roark
Hanna	Russell
Hardin	Rutta
Harper	Schuenemann
Harrell	Settle
Harris of Archer	Shell
Harris of Dallas	Simpson
Harris of Dickens	Skaggs
Heflin	Smith of Hopkins
Herzik	Smith of Tarrant
Hoskins	Stevenson
Huddleston	Stinson
Hull	Stocks
James	Talbert
Johnson of Ellis	Tarwater
Johnson	Tennyson
of Tarrant	Thornton
Jones of Angelina	Waggoner
Jones of Atascosa	Walker
Jones of Wise	Weldon
Keefe	Westbrook

Winfree	Worley
Wood	
	Absent
Adkins	Keith
Bond	Mauritz
Bradford	McCracken
Broadfoot	McKee
Cauthorn	McKinney
Celaya	Patterson of Mills
Davison of Fisher	Pope
Fox	Prescott
Gibson	Quinn
Graves	Ragsdale
Harbin	Reader
Hartzog	Riddle
Holland	Sharpe
Howard	Thornberry
Jackson	Vale
	Absent—Excused
Carssow	Lucas
Davis of Haskell	Oliver
Derden	Ross
Hyder	Sewell
Jones of Falls	Smith
Kelt	of Matagorda
Kern	Tennant

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Leath:

H. B. No. 1085, A bill to be entitled "An Act to amend Subdivision 36 of Article 7047 of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House, and had read the following messages from the Governor:

Austin, Texas, April 9, 1937.

To the Members of the Forty-fifth Legislature:

I earnestly recommend immediate passage of House Bill No. 511, now pending in the Senate, which is an Act to extend the interstate oil compact. Most of the other signatory States have already ratified an extension of this compact for an additional two years. It is highly imperative that we should do so at once.

There is no controversy about the bill—there was none two years ago; there was no controversy in the

House, and I am sure there will be none in the Senate.

Because of the extreme importance of this matter I earnestly urge that all Rules be suspended and it be passed at once.

Respectfully,

JAMES V. ALLRED,
Governor of Texas.

Austin, Texas, April 8, 1937.

To the Members of the Forty-fifth Legislature:

I am vetoing and disapproving House Bills Nos. 367 and 370 for the following reasons:

These bills, by Oliver of Shelby County, propose to grant to Mrs. Mary Esther Ramsey and R. L. Gillespie, respectively, permission to bring suit against the State of Texas and the Highway Department in the District Court of Angelina County or Shelby County for damages and give the Highway Department the authority to effect a settlement.

The bills go farther than the usual resolutions in that they absolutely recognize and finally fix the liability against the State. I do not believe the Legislature would have the power to do this, and certainly a reading of the bills to the jury would be very effective. Furthermore, I doubt the authority of the Legislature to authorize the Highway Department to make a settlement of these claims for the reason that the courts have never yet held that the State is liable for the torts of its agents.

I have discussed this matter with the author, Representative Oliver of Shelby County, and he has drawn substitute resolutions to authorize suits to be brought in order that the courts may determine the liability of the State, if any.

The bills are returned to the House of Representatives where they originated.

Respectfully,

JAMES V. ALLRED,
Governor of Texas.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

Mrs. James Paul Buchanan and members of the family acknowledge with deep appreciation the kind expression of your sympathy.

SENATE BILL NO. 453
RECOMMITTED

Mr. Bradbury moved that Senate Bill No. 453 be recommitted to the Committee on Criminal Jurisprudence.

Mr. Knetsch moved to table the motion.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—24

Alexander	Knetsch
Burton	McDonald
Callan	Monkhouse
Cleveland	Patterson
Colquitt	of Travis
Dickison	Petsch
England	Ragsdale
Gibson	Schuenemann
Graves	Skaggs
Harris of Archer	Talbert
Harris of Dickens	Thornton
James	Wood
Kenyon	

Nays—91

Adkins	Holland
Amos	Hoskins
Baker	Huddleston
Bates	Hull
Beckworth	Jackson
Bell	Johnson of Ellis
Blankenship	Johnson
Boethel	of Tarrant
Bond	Jones of Angelina
Boyer	Jones of Atascosa
Bradbury	Jones of Falls
Bridgers	Jones of Wise
Brown	Keefe
Cagle	King
Cathey	Langdon
Davis of Jasper	Lankford
Davisson	Lanning
of Eastland	Leath
Dean	Leonard
Deglandon	Little
Dollins	London
Farmer	Mann
Felty	Mays
Fielden	McCracken
Fuchs	McFarland
Hamilton	McKee
Hankamer	Metcalf
Hanna	Morris
Harbin	Morse
Hardin	Newton
Harper	Nicholson
Harris of Dallas	Palmer
Heflin	Powell
Herzik	Prescott

Quinn	Stinson
Reader	Stocks
Reed of Bowie	Tarwater
Reed of Dallas	Tennyson
Rhodes	Thornberry
Roark	Vale
Russell	Waggoner
Rutta	Walker
Settle	Weldon
Sharpe	Westbrook
Simpson	Winfree
Smith of Hopkins	Worley
Smith of Tarrant	

Present—Not Voting

Davison of Fisher

Absent

Alsup	Leyendecker
Bradford	Loggins
Broadfoot	Mauritz
Cauthorn	McKinney
Celaya	Moffett
Fox	Patterson of Mills
Harrell	Pope
Hartzog	Riddle
Howard	Shell
Keith	Stevenson

Absent—Excused

Carssow	McConnell
Davis of Haskell	Oliver
Derden	Ross
Hyder	Sewell
Kelt	Smith
Kern	of Matagorda
Lucas	Tennant

Mr. Hull moved that Senate Bill No. 453 be recommitted to the Committee on Labor.

Question recurring on the motion by Mr. Hull to recommit the bill to the Committee on Labor, it prevailed.

Mr. Bradbury moved to reconsider the vote by which Senate Bill No. 453 was recommitted to the Committee on Labor, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—59

Amos	Broadfoot
Bates	Brown
Beckworth	Cathey
Blankenship	Davis of Jasper
Boyer	Davisson
Bradbury	of Eastland
Bridgers	Deglandon

Dickison	Mann
Dollins	McFarland
Farmer	Morse
Fuchs	Patterson of Mills
Harbin	Powell
Hardin	Prescott
Harris of Dallas	Quinn
Harris of Dickens	Reader
Heflin	Reed of Bowie
Herzik	Reed of Dallas
Holland	Roark
Hoskins	Russell
Huddleston	Rutta
Hyder	Sharpe
Johnson of Ellis	Simpson
Jones of Falls	Smith of Hopkins
Keefe	Smith of Tarrant
Keith	Stinson
King	Tarwater
Langdon	Waggoner
Lankford	Weldon
Lanning	Westbrook
Leath	Winfree

Nays—58

Alexander	Kenyon
Baker	Knetsch
Bell	Leonard
Boethel	Leyendecker
Burton	London
Cagle	Mays
Callan	McDonald
Celaya	McKee
Cleveland	McKinney
Colquitt	Monkhouse
Davison of Fisher	Morris
Dean	Nicholson
England	Palmer
Felty	Patterson
Fielden	of Travis
Fox	Petsch
Gibson	Ragsdale
Graves	Rhodes
Hamilton	Riddle
Hankamer	Schuenemann
Hanna	Settle
Harrell	Shell
Harris of Archer	Skaggs
Hartzog	Stocks
Jackson	Talbert
James	Tennyson
Johnson	Thornberry
of Tarrant	Thornton
Jones of Angelina	Walker
Jones of Wise	Worley

Present—Not Voting

Harper

Absent

Adkins	Cauthorn
Alsup	Howard
Bond	Hull
Bradford	Jones of Atascosa

Little	Newton
Loggins	Pope
Mauritz	Stevenson
McCracken	Vale
Metcalfe	Wood
Moffett	

Absent—Excused

Carssow	Oliver
Davis of Haskell	Ross
Derden	Sewell
Kelt	Smith
Kern	of Matagorda
Lucas	Tennant
McConnell	

RELATIVE TO HOUSE BILL
NO. 481

Mr. Patterson of Mills moved that House Bill No. 481, reported adversely, with a minority favorable report, be printed.

Mr. Dean moved to table the motion.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—62

Alexander	Kenyon
Alsup	Knetsch
Baker	Langdon
Bell	Leonard
Blankenship	Little
Boyer	Mays
Bridgers	McDonald
Broadfoot	McFarland
Callan	McKee
Celaya	McKinney
Colquitt	Moffett
Dean	Monkhouse
Deglandon	Morse
Dickison	Nicholson
Dollins	Pope
England	Reader
Felty	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Riddle
Hankamer	Roark
Hanna	Settle
Hardin	Sharpe
Harper	Stinson
Harris of Dallas	Stocks
Hartzog	Talbert
Heflin	Tarwater
Huddleston	Thornberry
Hull	Thornton
Jackson	Waggoner
Jones of Falls	Wood
Keith	Worley

Nays—53

Amos	King
Bates	Lankford
Beckworth	Lanning
Boethel	Leath
Bradbury	Leyendecker
Burton	Loggins
Cagle	London
Cathey	Mann
Cleveland	Metcalfe
Davis of Jasper	Newton
Davisson	Palmer
of Eastland	Patterson of Mills
Farmer	Patterson
Fielden	of Travis
Hamilton	Petsch
Harrell	Prescott
Harris of Archer	Quinn
Harris of Dickens	Rhodes
Herzik	Russell
Holland	Rutta
Hyder	Schuenemann
James	Shell
Johnson of Ellis	Simpson
Johnson	Smith of Hopkins
of Tarrant	Smith of Tarrant
Jones of Angelina	Stevenson
Jones of Wise	Weldon
Keefe	Westbrook

Absent

Adkins	Jones of Atascosa
Bond	Mauritz
Bradford	McCracken
Brown	Morris
Cauthorn	Powell
Davison of Fisher	Ragsdale
Fox	Skaggs
Graves	Tennyson
Harbin	Vale
Hoskins	Walker
Howard	Winfree

Absent—Excused

Carssow	Oliver
Davis of Haskell	Ross
Derden	Sewell
Kelt	Smith
Kern	of Matagorda
Lucas	Tennant
McConnell	

RELATIVE TO HOUSE BILL
NO. 774

On motion of Mr. Hardin, the caption of House Bill No. 774 was ordered amended to conform with all changes and with the body of the bill.

GRANTING PERMISSION TO SUE
THE STATE

Mr. Oliver offered the following resolution:

H. C. R. No. 89, Granting Mrs. Mary Esther Ramsey permission to sue the State.

Whereas, In December, 1936, Miss Virgie Ramsey, a feme sole about thirty-seven years of age, of Shelby County, Texas, was instantaneously killed when the car in which she was riding was wrecked because a bridge had been removed from the road near a point where Highway No. 35 crosses the Angelina River; and

Whereas, Said Virgie Ramsey, deceased, left surviving her and dependent upon her for support, her mother, Mrs. Mary Esther Ramsey, as well as funeral bills and repair bills for the damage done to said automobile, all as charges against her estate; and

Whereas, The said Mrs. Mary Esther Ramsey and the legal representatives of the said Virgie Ramsey, deceased, desire to bring suit against the State of Texas, the State Highway Department, and Angelina County, jointly, to establish and recover damages, if any, resulting to them by virtue of said death and said wreck; and

Whereas, It is alleged that the said Mrs. Mary Esther Ramsey has never been compensated by the State of Texas for her damages resulting from the death of the said Virgie Ramsey.

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Mrs. Mary Esther Ramsey and the legal representatives of the estate of Virgie Ramsey, deceased, are hereby granted permission to bring suit against the State of Texas and/or the State Highway Department, and/or Angelina County, Texas, jointly, on account of the death of said Virgie Ramsey, on account of damages to her automobile and on account of funeral expenses incurred, if any, on account of the alleged negligence of the employees of the State Highway Department, as aforesaid, and for all damages, if any, both for said death, injury to said car, and for said funeral expenses, accruing to said Mrs. Mary Esther Ramsey and the legal representatives of the estate of Virgie Ramsey, deceased, by reason of said alleged negligence. That such

suit may be filed in any court of competent jurisdiction of Shelby County, Texas, at any time within the next two (2) years from the date this Act takes effect. That process in such suit may be served upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in any other civil case.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

GRANTING PERMISSION OF SUE THE STATE

Mr. Oliver offered the following resolution:

H. C. R. No. 90, Granting Mr. R. L. Gillespie permission to sue the State.

Whereas, In December, 1936, Mr. R. L. Gillespie, of Shelby County, Texas, was seriously and permanently injured when the car in which he was riding was wrecked because a bridge had been removed from the road near a point where Highway No. 35 crosses the Angelina River; and

Whereas, No barricades had been erected and maintained at said point, nor were there at such time other warnings there of the danger to the traveling public; and

Whereas, Said bridge and bridge timbers had been removed by Angelina County, Texas, and/or the State Highway Department, and either or both of said State agencies had failed to erect and maintain barricades or other forms of sufficient warnings at said place; and

Whereas, The said R. L. Gillespie suffered many cuts and bruises, together with pain and suffering, and has been caused disfigurement and the impairment of the sight of an eye, necessitating medical and hospital care and treatment and attention in the past, and will likely in the future continue to have pain, suffering, and medical care and attention, since such injuries are of a likely permanent nature; and

Whereas, The said R. L. Gillespie desires to bring suit against the State of Texas, the State Highway Department, and Angelina County, jointly, to establish and recover damages, if any, resulting to him by virtue of said injury; and

Whereas, It is alleged that the said R. L. Gillespie has never been com-

pensated by the State of Texas for his damages resulting from said injuries.

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Mr. R. L. Gillespie is hereby granted permission to bring suit against the State of Texas and/or the State Highway Department, and/or Angelina County, Texas, jointly, on account of such damages accruing by such wreck, in the nature of injuries, pain and suffering, past, present, and future, and medical expenses, past, present and future, accruing to said R. L. Gillespie because of such wreck, all on account of the negligence of the employees of the State Highway Department and/or Angelina County, Texas, as aforesaid, and in the manner alleged, and for any and all damages, both for said injuries, pain, and suffering, past, present, and future, accruing to said R. L. Gillespie by reason of said negligence. That such suit may be filed in any court of competent jurisdiction of Shelby County, Texas, at any time within the next two (2) years from the date this Act takes effect. That process in such suit may be served upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in any other civil case.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 605

Mr. Calvert offered the following resolution:

H. C. R. No. 93, Authorizing certain correction in House Bill No. 605.

Be It Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House of Representatives be authorized and instructed to insert at the proper place in the caption of House Bill No. 605 the following:

"Providing that nothing in this Act shall be considered as giving any two (2) members of any Court of Civil Appeals or the Governor the power or authority to remove or suspend any member of the Court of Civil Appeals from office, or to in any manner interfere with him in his constitutional rights and powers."

The resolution was read second time, and was adopted.

**INVITING THE MIXED CHORUS
OF THE TEXAS COLLEGE OF
ARTS AND INDUSTRIES
TO APPEAR BEFORE
THE HOUSE**

Mr. Alexander offered the following resolution:

Whereas, The mixed chorus, composed of students of the Texas College of Arts and Industries of Kingsville, will be in the City of Austin on April 22nd prior to an engagement in San Antonio in the afternoon of April 23rd; and

Whereas, This group of singers, directed by Mr. Paul W. Riley, one of the outstanding musicians of Texas, has received recognition as being prominent in its field; now, therefore, be it

Resolved by the House of Representatives, That this group of fine musicians be invited to present a program in the House of Representatives sometime during the afternoon of April 22nd most convenient to them; and, be it further

Resolved, That a copy of the resolution be mailed to Mr. Paul W. Riley, Director of Music and Fine Arts of the Texas College of Arts and Industries of Kingsville.

ALEXANDER,
VALE,
THORNTON,
LEONARD,
CELAYA.

The resolution was read second time, and was adopted.

**PROVIDING FOR APPOINTMENT
OF A COMMITTEE TO MAKE
CERTAIN INVESTIGATION**

Mr. Harrell offered the following resolution:

Whereas, The State of Texas maintains at Gatesville, Texas, the State Juvenile Training School for the purpose of instructing, training, housing and feeding of delinquent juveniles; and

Whereas, This institution is performing one of the most important functions of government; and

Whereas, The management, administration and supervision of said school have been of the highest type of efficiency and accomplishments; and

Whereas, It is desirable that an Institution of its importance and worthwhile benefits should have the utmost cooperation from the legis-

lative branch of this Government in the promotion of its purposes; now, therefore, be it

Resolved by the House of Representatives, That the Speaker of the House of Representatives appoint three Members of the House of Representatives to serve as a Committee of Three to make an investigation and study of said Institution with a view of offering and extending the cooperation of the Legislative Branch in improving the same and making recommendations with reference thereto; be it further

Resolved, That the expenses incident to such investigation and study not to exceed One Hundred Dollars shall be paid out of the appropriation for mileage and per diem and contingent expenses for the Forty-fifth Legislature, upon sworn accounts of persons entitled to such pay and approved by the Chairman of the Committee and the sum of One Hundred Dollars is hereby appropriated out of the said mileage and per diem and contingent expenses of the Forty-fifth Legislature to meet the expenses of the members of the committee and other expenses incident to such investigation.

HARRELL,
PATTERSON of Travis,
BECKWORTH,
TALBERT,
RAGSDALE,
HUDDLESTON.

The resolution was read second time.

Mr. Patterson of Travis offered the following amendment to the resolution:

Amend the resolution, by adding to the provisions thereof the "Gainesville School of Correction for Girls".

The amendment was adopted.

The resolution, as amended, was then adopted.

**CONFERENCE COMMITTEE
REPORT ON SENATE
BILL NO. 301**

Mr. Moffett, Chairman, submitted the following Conference Committee Report on Senate Bill No. 301:

Committee Room,

Austin, Texas, March 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Gentlemen:

We, your Conference Committee, appointed to adjust the differences be-

tween the House and Senate on Senate Bill No. 301 beg to report that we have considered the same and recommend that it do pass in the form hereto attached.

WOODRUFF,
LEMENS,
AIKIN,
HEAD,

On the part of the Senate.

MOFFETT,
McCRACKEN,
DERDEN,
MORRIS,
BOND,

On the part of the House.

S. B. No. 301,

A BILL

To Be Entitled

An Act to amend Article 6686, Revised Civil Statutes of 1925, as amended by Chapter 211, Acts of the Regular Session of the Fortieth Legislature, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 6686 of the Revised Civil Statutes of 1925, as amended by Chapter 211, Acts of the Fortieth Legislature be amended to hereafter read, as follows:

Article 6686: (a) Any manufacturer of or dealer in motor vehicles in this State may, instead of registering each vehicle he may wish to show or demonstrate on the public highways, apply for registration and secure a general distinguishing number which may be attached to any motor vehicle or motorcycle which he sends temporarily upon the road. The annual fee for such dealer's registration of a general distinguishing number shall be \$15.00, and additional number plates bearing said number desired by any dealer shall be assigned and registered for a fee of \$5.00 each. A dealer within the meaning of this Article means any person, firm or corporation engaged in the business of selling automobiles who runs them upon the public highways or streets for demonstration for the purpose of sale; and this Act shall not be construed as permitting the use of a dealer's license or number plate on any vehicle owned or used by such a dealer for any other purpose than demonstration for the purpose of sale. Every dealer in making application for a dealer's

license shall apply for same in writing on a form prescribed and provided by the State Highway Commission. The application shall state that the applicant is a dealer within the meaning of this Act, and if he holds a contract with an automobile manufacturer or distributor for the distribution or sale of motor vehicles or motorcycles he shall so state in the application, giving make of vehicle he handles and name of such manufacturer or distributor. The facts stated in such application shall be sworn to before an officer authorized to administer oaths. No dealer's license or number plates shall be issued until this Article is complied with.

(b) Each dealer holding a dealer's license may issue temporary cardboard numbers using such dealer's number thereon which may be used by any person, dealer, or manufacturer purchasing a motor vehicle, trailer, or semi-trailer. Such person purchasing a motor vehicle, trailer, or semi-trailer from a manufacturer or dealer may use such cardboard number for a reasonable length of time but in no case to exceed ten (10) days after such purchase is made. Any dealer or manufacturer may use such cardboard license plate for the purpose of operating or conveying a motor vehicle, trailer, or semi-trailer from his place of business in one part of the State to his place of business in another part of the State, and for the purpose of operating or conveying a motor vehicle, trailer, or semi-trailer from the point where it is unloaded to his place of business, and may also use such cardboard number in transporting a motor vehicle, trailer, or semi-trailer from the State line to his place of business. The form of such cardboard number shall be prescribed by the Department of Public Safety.

(c) Every motor vehicle that has been driven under its own power, or towed by another vehicle from the point where manufactured outside this State for the purpose of sale within this State, shall have affixed to the windshield or front thereof in plain view a sticker not less than three inches in diameter stating that such vehicle has been driven or towed from point where manufactured. Such notice shall remain on such vehicle until the sale thereof by the dealer.

(d) Manufacturer to give notice of sale of transfer. Every manufacturer or dealer, upon transferring a motor vehicle, trailer, or semi-trailer, whether by sale, lease or otherwise, to any person other than a manufacturer or dealer, shall immediately give written notice of such transfer to the Registration Division of the State Highway Department upon the official form provided by the State Highway Department. Every such notice shall contain the date of such transfer names and addresses of the transferrer and transferee and such description of the vehicle as may be called for in such official form.

(e) All registration fees shall be paid in the county in which the owner lives at the time of registration of said motor vehicle.

(f) Any person found guilty of violating any of the provisions of this Act shall, upon conviction, be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred Fifty (\$150.00) Dollars, and all cost of court.

Section 2. In view of the fact that Article 6686 is indefinite and does not specify the length of time or the exact conditions under which cardboard licenses can be used on motor vehicles necessitates revision of Article 6686 and creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule which requires all bills to be read on three several days in each House and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Moffett, the report was adopted by the following vote:

Yeas—122

Adkins	Cagle
Alexander	Callan
Alsup	Cathey
Amos	Cauthorn
Bates	Cleveland
Beckworth	Colquitt
Bell	Davis of Jasper
Blankenship	Davison of Fisher
Boethel	Davisson
Bond	of Eastland
Boyer	Dean
Bradbury	Deglandon
Bridgers	Dickison
Broadfoot	England
Brown	Farmer
Burton	Felty

Fielden	McKee
Fox	McKinney
Fuchs	Metcalfe
Gibson	Moffett
Hamilton	Monkhouse
Hankamer	Morris
Hanna	Morse
Harbin	Newton
Hardin	Nicholson
Harrell	Palmer
Harris of Archer	Patterson of Mills
Harris of Dallas	Patterson
Harris of Dickens	of Travis
Hartzog	Pope
Heflin	Powell
Herzik	Prescott
Hoskins	Ragsdale
Howard	Reader
Huddleston	Reed of Bowie
Hull	Reed of Dallas
Hyder	Rhodes
Jackson	Roark
Johnson of Ellis	Russell
Johnson	Rutta
of Tarrant	Schuenemann
Jones of Angelina	Settle
Jones of Atascosa	Sharpe
Jones of Falls	Shell
Jones of Wise	Simpson
Keefe	Skaggs
Keith	Smith of Tarrant
King	Stinson
Knetsch	Stocks
Langdon	Talbert
Lankford	Tarwater
Lanning	Tennyson
Leonard	Thornberry
Leyendecker	Thornton
Little	Vale
Loggins	Waggoner
London	Walker
Mann	Weldon
Mays	Westbrook
McConnell	Winfree
McCracken	Wood
McDonald	Worley
McFarland	

Nays—1

Kenyon

Absent

Baker	Leath
Bradford	Mauritz
Celaya	Petsch
Dollins	Quinn
Graves	Riddle
Harper	Smith of Hopkins
Holland	Stevenson
James	

Absent—Excused

Carssow	Kelt
Davis of Haskell	Kern
Derden	Lucas

Oliver
Ross
Sewell

Smith
of Matagorda
Tennant

HOUSE BILL NO. 726 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 726, A bill to be entitled "An Act (1 and 2) to create and establish San Antonio River Canal and Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a Governmental Agency, a Body Politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act; (3) designating the area to be embraced in the District and making provision for excluding lands from, or adding lands to, the area of the District and prescribing the manner for so doing; . . . etc., and providing a day upon which this Act is to be effective."

The bill having heretofore been read second time, with committee amendment by Mr. McCracken, pending.

Mr. McCracken offered the following substitute for the committee amendment:

Amend House Bill No. 726, by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. (Definitions and Intent of Terms As Used in this Act) To promote brevity in this Act certain expressions, unless otherwise specified, will be understood to have meaning as follows; viz:

(a) The words "the District", "said District", or, "this District" shall be understood to mean Bexar County Canal and Navigation District.

(b) "Section 59" shall be understood to mean Section 59 of Article 16 of the Constitution of Texas, as the same now provides.

(c) "Chapter 25" shall be understood to mean Chapter 25 of the General Laws passed by the Thirty-ninth Legislature of Texas at the Regular Session, which adjourned on March 19, 1925, and, where not otherwise provided herein, to include any present or future amendment thereof.

(d) The words "Board", or, "the Directors", shall be understood to mean the Board of Directors of this

District, or the members thereof in their official capacity.

(e) The word "Federal" shall mean, or relate to, the Government of the United States of America, and/or its functions or subsidiary agencies.

(f) The word "State" shall mean, or relate to the Government of the State of Texas, and/or, such of its functions and agencies as are appropriate to accomplish the objects of this Act.

(g) The word "Canal" as used herein shall be understood to designate a navigable waterway to be provided in part by the natural bed and banks of the San Antonio River, and/or its tributaries, and in part by new correlated artificial streamways, together with locks and other works, and supplemental or auxiliary facilities to provide water, control the same, and to collect, store, load, move, receive, deliver and interchange cargo, in such manner as to make practicable, promote, aid and encourage, navigation on said Canal between San Antonio and an intersection of said Canal with the Federal Coastal Canal proposed to traverse San Antonio Bay, and to other points to be reached by navigation through San Antonio Bay.

(h) The word "Person" will include both the singular and the plural, association by contract and corporate creatures both public and private.

Sec. 2. (District Created) It being, among other things and in substance, declared by Section 59 of Article 16 of the Constitution of Texas, that control of the waters of the State and the navigation of its inland and coastal waters are public rights and public duties, which may be effected through the creation of, or the division of the State into, such Conservation and Reclamation Districts as may be determined to be essential to the accomplishment of the purposes expressed in said Section 59, which said Section further imperatively makes it the duty of the Legislature to pass all such Laws as may be appropriate to accomplish the purposes of said Section 59; and, this Legislature, having determined the necessity therefor, in obedience to the injunction imparted by said Section 59, thereby does create San Antonio River Canal and Conservancy District, which hereby is established instantly to be a Governmental Agency, a Municipality, Body Politic and Corporate, intended to exercise, within

the boundaries of said District, the full sovereignty of the State, in behalf of the State, insofar as is intended by this Act, to effect the objects hereby sought to be accomplished by the State under the provisions of said Section.

Sec. 3. (Area of the District and Provision for Changing Same)

(a) The area of said District hereby is established to embrace the area within the boundaries of Bexar County.

It is further provided that if and when the same may be determined, said District shall include all other defined areas of land acquired by, or placed under easement to, or control by this District.

Sec. 4. (Specifications of Powers) Any and all powers, whether general, special, express or implied, and as well all rights for procedure, conferred by this Act and by said Chapter 25 upon this District, may be exercised within the boundaries of the District. The specification of powers herein contained shall not be held to exclude or diminish any other power available to the State, or any of its Subsidiary Governmental Agencies, as a means to effect the intent of said Section 59 of the Constitution, and the objects of this Act, having regard only to other and controlling provisions of the Federal and State Constitutions concerning the rights of others. In addition to such general powers this District shall have those certain primary powers, and for the particular purposes, here set forth, viz:

(a) (Certain Primary Powers) To make preliminary investigations and survey in the manner and for the purposes specified in said Chapter 25 (either independently at its own cost, or jointly with others, or to contribute to the cost thereof when done by another), whereby to procure cooperation by others, and especially to procure cooperation by the Government of the United States of America, to the end that said Canal may be approved for construction as a Federal project under such contractual terms and conditions as may be demanded by the Federal Congress.

(b) To expend all sums reasonably deemed to be necessary or expedient for seeking cooperation in accomplishing the objects of this Act from the Federal Government, and/or any and all other persons, creatures or

entities, whether natural or creatures of law, or contract, and especially in procuring the Congress of the United States of America to approve said Canal as a Federal project, to be provided, maintained and operated by the Federal Government, which powers shall include the right to pay the reasonable cost of procuring the creation of this District.

(c) In case of the construction of said Canal by the Federal Government this District shall have the power to construct, maintain, and operate lateral connecting canals or turning basins to serve local needs and as well shall have the power to provide, construct, acquire, purchase, take over, lease from others, lease to others, and to maintain and operate, develop, regulate, and/or by franchise control wharves, docks, warehouses, grain elevators, bunkering facilities, belt or terminal railroads, floating plants, lighterage, towing facilities, and all other facilities incident to or in aid of the efficient operation and development of the proposed Canal and ports incident thereto, whether the same be upon land or upon water.

The powers in this subdivision (d) provided are not intended to constitute a limitation of the powers of said District as the same are provided to be by said Chapter 25 or any amendment thereof.

(d) This District shall have, and be held to have the right to exercise, the power of Eminent Domain under the conditions and in the manner provided for by said Chapter 25, which shall be held to include the right to use and control the natural bed and banks of the San Antonio River and its tributaries insofar as is expedient to effect the purposes of this Act, provided such use and control is not exercised in a manner violative to the Constitutional Rights of others, which use, however, shall constitute a trust necessary to be exercised in order to accomplish the purpose of this Act. In addition to such powers and procedure, to be either cumulative thereof or in lieu thereof, this District may elect to exercise the power of Eminent Domain for any purpose germane to the objects of this Act or in any manner provided by the General Laws of Texas for any creature of the law. There may be election of a purpose without adoption of the manner, or a manner may be

adopted independently of the purpose for which same was provided. The Right of Eminent Domain hereby conferred upon this District may be exercised upon all lands, with the structures thereon, both public and private, and without exception; save that lands, works and water stored under a permit, or other lawful right derived from the State, which may be the source of a water supply for an incorporated city or town shall be exempt from condemnation hereunder. This District hereby is vested with such title and right of control as the State has, or may have, in, to and concerning the natural bed and banks of the San Antonio River and such tributaries thereof as may be affected by the creation of said Canal, and whether to remain as an integral part of said waterway or to be abandoned in the construction of said Canal; which investment, however, shall be in trust and to authorize said District to make such uses, and/or disposition of such lands and rights (and the proceeds, income, revenues, or trading value thereof) as in actual experience may prove to be reasonably required for, or in aid of, the accomplishment of the purposes of this Act.

(e) This District shall have all such powers and rights, and regulations for government and procedure, as are contained in said Chapter 25, which shall be cumulative of those provided by this Act, and those rules for procedure which may be provided by ordinances adopted by the District under other provisions of this Act.

Sec. 5. (Power to Adopt Statutory Powers Granted To Certain Other Creatures of the Law; also by Ordinance, To Adopt Rules For The Government of the Organization of this District, and to Control its Procedure, Where Not Adequately Provided by Chapter 25, And Fixing the Manner of Adoption): Realizing the magnitude and diversity of the foreseen and contingent duties of this Act imposed upon this District, and the economic importance of the objects sought by the State to be accomplished hereby, it is expressly provided that:

(1) When germane to the accomplishment of the object of this Act, and not otherwise adequately provided by said Chapter 25, or hereby provided, the Directors of said District shall have the power to adopt and promulgate orders, to be known

as ordinances, which may be done by a majority of those Directors present at any meeting, regular or called, at which there may be present a majority of the Board, which for all purposes shall constitute a quorum thereof. No such ordinances may be adopted save after notice of the intent to adopt same has been given in the manner and form elsewhere provided in this Act. No such ordinance shall violate any provisions of the Constitution of the Federal Government and this State concerning the rights of others, shall not be arbitrary or confiscatory in character, and shall be such as reasonably may be required to accomplish the purposes of this Act. Having adopted, certified copies of any such ordinance shall forthwith be filed as a record in the office of the County Clerk of each County situated in whole or in part, within this District and within which such ordinance is intended to have application; whereupon the ordinance shall be in full force and effect, and all Courts and persons thereafter shall be held to have knowledge thereof, just as though the same had been embraced in the body of this Act. In addition to the general powers of this District to adopt ordinances, it especially shall have the power to adopt ordinances under those conditions and for those purposes which are stated in the next succeeding subdivision (2).

(2) In any case in which said Chapter 25 does not provide a specific power or right germane to, or appropriate, or adequate to accomplish an object of this Act, and such specific power has been, or hereafter may be, conferred by Law on Counties, Cities, Water Improvement Districts, Water Control and Improvement Districts, Fresh Water Districts, Levee Improvement Districts, Drainage Districts, Navigation Districts, Canal Corporations, Channel and Dock Corporations, Deep Water Corporations, Railway Corporations, Terminal Railway Corporations, Telegraph and Telephone Corporations, or other like creatures of the law; then, to the extent required to make adequate hereto the powers and rights of this District, if may by ordinance adopt and have as part of the law of its being so much of the power and right of any of the herein designated creatures of the Law as will enable it effectively to accomplish that purpose

of this Act. The adoption of a power or mode of procedure hereunder shall not be held to include any incidental limitation which would impede the lawful accomplishment of the purposes of this Act. As to this, there shall be no limit hereof save such as would violate the provisions of the Constitution of the United States and the State of Texas, concerning the rights of others.

Sec. 6. (The Governing Body of said District)

(a) The governing of this District shall be vested in a Board of Directors, as hereinafter provided.

Said Directors shall be constituted as follows: D. F. Youngblood, C. Baumberger, W. B. Tuttle, B. B. McGimsey, P. D. Mathis and E. H. Kiefer, M. L. Roark, all of Bexar County. These shall take oath of office prescribed by Chapter 25, but shall not give the bond therein provided for):

The compensation of Directors of this District shall be Ten (\$10.00) Dollars for each day of official service, whether sitting as a Board or serving on a committee duly appointed by the Board, to which shall be added the amount of the actual expense necessary to be incurred wholly by reason of such service. A meeting shall be deemed a day of service, provided that no charge shall be made for more than one meeting held on any one day, and no Director shall receive amounts to total more than Five Hundred and Twenty (\$520.00) Dollars as compensation for service rendered within any one period of twelve months. The Board of Directors shall manage and control the administrative business of said District (including the employment and supervision of all persons and agencies needed and having fitness to aid in accomplishing the purposes of this Act) and shall be organized as is provided by said Chapter 25. It shall have power to adopt all such by-laws as are not inconsistent with the law, which may include the designation of an Executive Committee of not to exceed three members to act as advisors to the District's managing officer (who is not required to be a Director) concerning matters arising between meetings of the Board and not requiring instant action by the Board, but which admit of later being approved by the Board.

(b) The Directors herein provided for, and all subsequent Directors, shall qualify in the manner specified in Chapter 25 and their duties and qualifications shall be as therein provided. The official bonds of the Directors shall be subject to approval by the Governor of Texas.

Sec. 7. (Giving the power to grant franchises, prescribe the conditions under which they may be exercised; to police the manner in which they may be exercised, to exact reasonable compensation for the enjoyment thereof; and, also to fix and enforce the rolls, charges, rates or exactions which may be imposed concerning the use of the Canal, and/or any of the facilities provided to be used in connection with said Canal, and in aid of navigation thereon, when intended for public use, and charging this District with the duty to prevent discrimination in the use of said Canal and the facilities in connection therewith; also giving this District the power to adopt reasonable rules and regulations to effect the intent of this Act, prescribe reasonable penalties for violation of such regulations and to enforce the same in the manner provided; also authorizing this District to suspend or revoke franchise as a penalty for violation of the conditions thereof.)

(a) No persons or creatures of the law, or contract, may provide, maintain or operate any facility in aid of navigation on said Canal (and intended for use by the public) within the meaning, designation and intent of subdivision (c) in Section 4 of this Act, and whether situated within or beyond the boundaries of this District, save under a franchise granted by this District in the form of an ordinance to be adopted as provided in this Act, which franchises may be for any term not to exceed fifty (50) years. Such ordinances may contain provision for the payment of reasonable franchise fees, and/or other charges, to be paid to the District, and shall contain provisions adequate to regulate the fees, tolls, rate, or exactions to be demanded for the use of or service to be rendered by means of, any facility to be provided or operated under any such franchise, to the end that the same will be uniform, reasonable and without discrimination as to any person, both as to charges and the conditions of use or service. Further such ordinances

shall contain all provisions reasonably required to procure service adequate to serve the public necessity and convenience.

(b) In order to accomplish the objects set forth in subdivision (a) of this Section 8, this District shall have the power either before or after the granting of a franchise (but, as to a franchise granted in prior time, not be unreasonably inconsistent therewith), by ordinance to prescribe reasonable rules and regulations for the design, construction, repair, enlargement, alteration, maintenance, operation of, and service from or use of, any facility to be provided for use in aid of navigation on said Canal, whether upon land or in, or upon, water. The right hereby granted shall include the right to require uniform and adequate analytic accounting systems and forms, periodic verified reports based thereon, and the right of audit by the District, and other reasonable regulation designed to protect the public. In order to procure observance of the conditions of a franchise granted hereunder, and/or compliance with the rules and regulations established by ordinance of the District (to be adopted and promulgated as elsewhere is provided in this Act) hereunder, such ordinance may provide reasonable and commensurate penalties for violation of any such franchise condition, rule, or regulation, which penalties shall be cumulative of any penalties fixed by General Law in Texas; provided only that the maximum penalty shall be a fine not to exceed Two Hundred (\$200.00) Dollars for each instance or day of violation, and/or imprisonment of the responsible person or persons for a period of not to exceed one hundred and eighty (180) days, either or both. Such penalties may judicially be enforced in the manner provided in subdivision (b) of Section 8 of this Act.

Sec. 8. (Authorizing this District by ordinance to establish all rules or regulations reasonably necessary or designed to protect and conserve the District's physical properties, or the physical property of others when operated under a franchise granted by the District; and to effect the efficient use thereof; also authorizing the fixing of reasonable and commensurate penalties for the violation of such ordinances also prescribing the manner, jurisdiction and venue for the en-

forcement thereof; further providing that this District may constitute and maintain its own constabulary for the enforcement thereof.)

(a) This District by ordinance (to be adopted and promulgated as elsewhere is provided in this Act) may establish rules necessary or designed to protect the physical property owned by it, or physical property owned or operated by another under a franchise granted by this District, and/or to effect the safety or efficient use of the same, and in such ordinances may provide reasonable and commensurate penalties for the violation thereof, which penalties shall be cumulative of other penalties provided by the General Laws of Texas, and shall be upon the same conditions, and not to exceed the limit for penalties as fixed in Section 7 of this Act.

(b) In order to accomplish the objects of this Act, this District may constitute and maintain its own independent constabulary under oath and bond, insofar as is applicable, conditioned as is provided for a sheriff of a county, who shall be charged with the duty to police the District's property and its controlled facilities, with power to make arrests to prevent injury to such properties, or after such offense or violation of any penal ordinance of the District, and, upon complaint or indictment lawfully had thereon, to make arrests either within or beyond the boundaries of the District.

(c) The penalties provided in this Act may be enforced only, after complaint or indictment lawfully had, and the proceedings to enforce the same shall be in a court of competent jurisdiction within the county in which any offense hereunder may have been committed. It is provided that this District shall primarily be liable for any court costs incurred hereunder, and the cost to maintain any offender committed for imprisonment hereunder. Any fine imposed in any such proceeding, and paid in money shall be payable to this District and applied as its Board may direct.

(d) The forfeiture or suspension of a franchise granted under Section 7 of this Act, where not otherwise provided in any such franchise may, be, only because of discrimination in rendering service, affording use, or in taking or demanding a toll, rate or charge. Forfeiture or suspension of a franchise granted hereunder, un-

less otherwise provided therein, shall be upon a decree of a District Court within the County in which this District may maintain its general office.

Sec. 9. (Duties of certain State Officers) The State Board of Water Engineers, and the Reclamation Engineer of Texas, shall be under duty to cooperate with this District in the making of investigations and plans and the approval of plans for improvements to be provided by this District. Such plans, however, shall be subject to approval by them when appropriate under the General Laws of Texas; provided, only, that where the Federal Government shall have adopted or approved a plan for improvements, the same, as to all matters save the use of water already under permit from the State, shall control.

Sec. 10. (Provision for Constitutional Conformity) Nothing in this Act contained shall be construed to violate any provision of the Federal or State Constitutions, and all Acts done under this Act shall be done in such manner as will conform thereto, whether herein expressly provided or not. Where any procedure hereunder may, by the Board, be deemed to be violative thereof, or when the same may judicially be determined to be violative thereof, this District shall have the power by ordinance to provide a procedure conformable therewith. If any provision of this Act shall be held invalid, such holding shall not affect the instant creation of this District, or the validity of any other provision of this Act.

Sec. 11. The importance of this legislation, the crowded condition of the calendar, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Hartzog offered the following amendment to the substitute amendment by Mr. McCracken:

Amend pending amendment to House Bill No. 726, by inserting in the proper place the following language:

"Provided that the District hereby created shall not have the power or authority to authorize the assessment or collection of any general or special

tax or charge, or the right to exercise the power of eminent domain, in Victoria, Goliad, Calhoun, Karnes, Wilson or Refugio Counties."

HARTZOG,
SCHUENEMANN.

The amendment to the amendment was adopted.

Question next recurring on the substitute amendment, as amended, it was adopted.

Question then recurring on the committee amendment, as substituted, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 726 was then passed to engrossment.

HOUSE BILL NO. 726 ON THIRD READING

Mr. McCracken moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 726 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Adkins	Felty
Alexander	Fielden
Alsup	Fox
Amos	Fuchs
Baker	Gibson
Bates	Hamilton
Beckworth	Hankamer
Bell	Hanna
Bond	Harbin
Boyer	Hardin
Bradbury	Harper
Bradford	Harris of Archer
Broadfoot	Harris of Dallas
Brown	Harris of Dickens
Burton	Hartzog
Cagle	Heflin
Callan	Herzik
Cauthorn	Holland
Celaya	Hoskins
Cleveland	Howard
Colquitt	Huddleston
Davis of Jasper	Hull
Davisson	Hyder
of Eastland	James
Dean	Johnson of Ellis
Deglandon	Johnson
Dickison	of Tarrant
Dollins	Jones of Angelina
England	Jones of Atascosa
Farmer	Jones of Falls

[illegible]

Graves	Mauritz
Jackson	Palmer
Knetsch	Ragsdale
Leath	Sharpe

Absent—Excused

Carssow	Oliver
Davis of Haskell	Ross
Derden	Sewell
Kelt	Smith
Kern	of Matagorda
Lucas	Tennant

MESSAGE FROM THE SENATE

Austin, Texas, April 9, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Concurrent Resolution No. 54 by a viva-voce vote.

The Senate has adopted the conference committee report on House Bill No. 150 by the following vote: Yeas, 27; nays, 0.

Adopted the conference committee report on Senate Bill No. 301 by the following vote: Yeas, 27; Nays, 0.

Adopted

H. C. R. No. 93, Authorizing the Enrolling Clerk of the House to make certain correction to House Bill No. 605.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 321, "An Act amending Chapter 141, Acts, Fortieth Legislature, Regular Session, as amended by Chapter 246, Acts, Forty-second Legislature, Regular Session, creating the Office of the Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Officer and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority and duties of such office; fixing and authorizing payment of their salaries, travel and other expenses; providing that the main office shall be located in Austin, Travis County, Texas; and

repealing all laws and parts of laws in conflict therewith."

H. B. No. 473, "An Act amending Article 1583 of the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand inhabitants and in cities of more than thirty thousand inhabitants, by adding a new section to be known as Article 1583-B, providing for vacations for jailers, jail guards and jail matrons and providing penalties for the violation of the provisions of this Article, and declaring an emergency."

H. B. No. 969, "An Act authorizing any subsidiary corporate body politic of the State to pay to the school district the sum or sums equivalent to the amount of bonded indebtedness at the time of the creation of said corporate body, and all other damages that may be sustained by such school district; provided further, that such corporate body may render for taxes, and pay said taxes to the school district for any properties not actually used by the corporate body for the purpose that such body was formed, and declaring an emergency."

H. B. No. 122, "An Act to amend Article 1315 of the Revised Civil Statutes of Texas of 1925 so as to authorize any private corporation organized under Title 32 of said Revised Statutes to extend its charter; prescribing the manner for so extending any such charter and prescribing fees to be paid for any such extension of charter, and declaring an emergency."

H. J. R. No. 20, Proposing an amendment to Article XVI, Section 1 of the Constitution of the State of Texas; changing the form of the oath of office for Members of the Legislature and all officers of the State of Texas; providing for an election upon such Constitutional Amendment and making an appropriation therefor.

H. C. R. No. 91, Correcting certain errors in House Bill No. 473.

SENATE BILL NO. 365 ON
PASSAGE TO THIRD
READING

The Speaker laid before the House, as unfinished business, on its passage to third reading,

S. B. No. 365, A bill to be entitled "An Act appropriating the sum of

\$150,000.00 to the Texas State Employment Service for the purpose of maintaining public employment offices provided for under Acts, 1935, Forty-fourth Legislature, Regular Session, Chapter 236, page 552, and as amended by Acts, Third Called Session, Forty-fourth Legislature, Chapter 482, Section 12, for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

The bill having heretofore been read second time, with the amendment by Mr. Metcalfe, and motion by Mr. Hankamer to postpone the bill until next Thursday at 11:00 o'clock a. m., pending.

Question first recurring on the motion to postpone further consideration of Senate Bill No. 365 until next Thursday at 11:00 o'clock a. m., it was lost.

Question then recurring on the amendment by Mr. Metcalfe, it was adopted.

Mr. Celaya offered the following amendment to the bill:

Amend Senate Bill No. 365, by adding at the end of Section 1 the following: "Provided no one shall be employed or paid any consideration under and by virtue of this Act except a bona fide citizen of the State of Texas and who has been such citizen for more than three years."

Mr. Worley moved to table the amendment.

The motion to table was lost.

Mr. Worley offered the following amendment to the amendment by Mr. Celaya:

Amend amendment by adding the following:

"This provision shall not apply to those persons now employed."

Mr. Blankenship moved to table the amendment by Mr. Worley.

The motion to table prevailed.

The amendment by Mr. Celaya was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 365 was then passed to third reading.

SENATE BILL NO. 365 ON THIRD READING

Mr. Worley moved that the constitutional rule, requiring bills to be

read on three several days, be suspended, and that Senate Bill No. 365 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adkins	Keith
Alexander	King
Alsup	Knetsch
Amos	Langdon
Baker	Lankford
Bates	Lanning
Beckworth	Leonard
Bell	Leyendecker
Blankenship	Loggins
Boethel	Mann
Boyer	Mays
Bradbury	McConnell
Bradford	McCracken
Bridgers	McDonald
Broadfoot	McKee
Brown	McKinney
Burton	Metcalfe
Callan	Moffett
Cauthorn	Monkhouse
Celaya	Morris
Cleveland	Morse
Davis of Jasper	Newton
Davison of Fisher	Nicholson
Davison	Palmer
of Eastland	Patterson of Mills
Dean	Patterson
Deglandon	of Travis
Dickison	Petsch
Dollins	Pope
England	Powell
Farmer	Prescott
Felty	Quinn
Fielden	Ragsdale
Fox	Reed of Dallas
Fuchs	Rhodes
Graves	Roark
Hamilton	Ross
Harbin	Russell
Harper	Schuenemann
Harris of Archer	Settle
Harris of Dallas	Sharpe
Harris of Dickens	Shell
Hartzog	Simpson
Heflin	Skaggs
Herzik	Smith of Hopkins
Holland	Stevenson
Hoskins	Stinson
Howard	Stocks
Hull	Talbert
Hyder	Tarwater
James	Tennyson
Johnson of Ellis	Thornberry
Jones of Angelina	Thornton
Jones of Atascosa	Vale
Jones of Falls	Waggoner
Jones of Wise	Walker
Keefe	Weldon

Westbrook	Worley
Wood	
Nays—8	
Bond	Hanna
Cagle	Hardin
Cathey	Kenyon
Hankamer	Reed of Bowie
Absent	
Colquitt	London
Gibson	Mauritz
Harrell	McFarland
Huddleston	Reader
Jackson	Riddle
Johnson	Rutta
of Tarrant	Smith of Tarrant
Leath	Winfree
Little	
Absent—Excused	
Carssow	Oliver
Davis of Haskell	Sewell
Derden	Smith
Kelt	of Matagorda
Kern	Tennant
Lucas	

The Speaker then laid Senate Bill No. 365 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—116

Adkins	Dickison
Alexander	Dollins
Alsup	England
Amos	Farmer
Baker	Felty
Bates	Fielden
Beckworth	Fox
Bell	Fuchs
Blankenship	Graves
Boethel	Hamilton
Bond	Harbin
Boyer	Harper
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Harris of Dickens
Broadfoot	Hartzog
Brown	Heflin
Burton	Herzik
Callan	Holland
Cathey	Hoskins
Cauthorn	Howard
Celaya	Huddleston
Cleveland	Hull
Davis of Jasper	Hyder
Davison of Fisher	James
Davisson	Johnson of Ellis
of Eastland	Jones of Angelina
Dean	Jones of Atascosa
Deglandon	Jones of Falls

Jones of Wise	Prescott
Keefe	Quinn
Keith	Ragsdale
King	Reader
Knetsch	Reed of Dallas
Langdon	Rhodes
Lankford	Riddle
Lanning	Roark
Leonard	Russell
Leyendecker	Rutta
Loggins	Settle
Mays	Sharpe
McConnell	Shell
McCracken	Simpson
McDonald	Skaggs
McKee	Stinson
McKinney	Stocks
Metcalfe	Talbert
Moffett	Tarwater
Monkhouse	Tennyson
Morris	Thornberry
Morse	Thornton
Newton	Vale
Nicholson	Waggoner
Patterson of Mills	Walker
Patterson	Weldon
of Travis	Westbrook
Petsch	Winfree
Pope	Wood
Powell	Worley

Nays—6

Hankamer	Kenyon
Hanna	Reed of Bowie
Hardin	Smith of Hopkins

Present—Not Voting

Cagle

Absent

Colquitt	London
Gibson	Mann
Harrell	Mauritz
Jackson	McFarland
Johnson	Palmer
of Tarrant	Schuenemann
Leath	Smith of Tarrant
Little	Stevenson

Absent—Excused

Carssow	Oliver
Davis of Haskell	Ross
Derden	Sewell
Kelt	Smith
Kern	of Matagorda
Lucas	Tennant

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 150

Mr. Quinn, Chairman, submitted the following Conference Committee Report on House Bill No. 150:

Committee Room,
Austin, Texas, April 9, 1937.
Honorable Walter Woodul, President
of the Senate.

Honorable R. W. Calvert, Speaker of
the House of Representatives.
Sirs:

We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 150, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

STONE,
SHIVERS,
REDDITT,
ROBERTS,

On the part of the Senate.

QUINN,
NICHOLSON,
McDONALD,
METCALFE,
HANKAMER,

On the part of the House.

H. B. No. 150

A BILL

To Be Entitled

An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease at public auction for oil, gas, sulphur, and/or mineral development all lands used as experimental stations and all other lands under its exclusive control; providing for the "Agricultural and Mechanical College of Texas Special Mineral Fund" and the manner it is to be administered; providing for a permanent fund and the expenditure of the income from same; prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said land; appropriating certain moneys received between the effective date of the Act and August 31, 1937, to the use of the Agricultural and Mechanical College of Texas, its branches and divisions, with special provision for that part of the money collected from leases of land embraced in Experimental Station No. 4, to be expended on said station, and the amount necessary for the use of the Piney Woods Livestock Experimental Station in Senatorial District No. 4; authorizing necessary subdivision, procuring of abstracts, and adver-

tisement with respect to sale of said leases; providing penalty for delay in drilling; fixing certain regulations with regard to leasing; providing drilling operations shall not interfere with the operations of the Agricultural and Mechanical College as an experimental station and/or farm; providing for the filing of leases and records in the State Land Office; providing for extension of leases; providing for assignment of leases and relinquishment to the State; providing the time and manner of payment of royalties; providing for reports to the Board of Directors; providing for forfeiture of lease; authorizing a majority of the Board to act; making an appropriation to defray the expenses of said Board; providing if any part of the Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That the Board of Directors of the Agricultural and Mechanical College of Texas is hereby authorized and empowered to lease for oil and/or gas and/or sulphur and/or other mineral development to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control or any part thereof now owned by the State of Texas and acquired for the use of the Agricultural and Mechanical College of Texas and its divisions or that may hereafter be acquired for the use of the Agricultural and Mechanical College of Texas and its divisions. Any amounts received under and by virtue of this Act shall be deposited in the State Treasury to the credit of a special fund to be known as the "Agricultural and Mechanical College of Texas Special Mineral Fund", and any funds placed therein shall be appropriated by the Legislature of the State of Texas in its regular biennial appropriation bill exclusively for the Agricultural and Mechanical College of Texas and its branches or divisions; provided, the amounts received as bonuses and rentals between the effective date of this Act and August 31, 1937, are hereby appropriated to the Agricultural and Mechanical College of Texas to be expended as may be deemed proper by the Board of

Directors of said College; provided, however, that the amounts received prior to August 31, 1937, as bonus money and rental money from leases of the land embraced in Experimental Station No. 4, located in Senatorial District No. 4, may be expended by the Board for the necessary improvements and maintenance of Experimental Station No. 4, and the Board is authorized to expend whatever amount they may deem necessary for improvements, livestock and maintenance of the Pineywoods Livestock Experimental Station in Senatorial District No. 4; provided, however, that any royalties received shall be placed in the special fund provided. All moneys realized from royalties accruing under the terms of this Act shall be used exclusively for the purpose of creating a permanent improvement fund, the income from which shall be expended under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas in erecting permanent improvements for the College and its branches and divisions.

Section 2. The Board is hereby authorized to cause said lands to be surveyed or subdivided into such tracts, lots or blocks as will, in their judgment, be most conducive and convenient to facilitate the advantageous sale of lease for oil, gas, sulphur, and/or other minerals thereof and to make such maps and plats as may be thought necessary to carry out the purposes of this Act. The Board is further authorized to obtain authentic abstracts of title to all of said lands as they may deem necessary from time to time and to take such steps as may be necessary to perfect a merchantable title to said lands in the State of Texas.

Section 3. Whenever, in the opinion of the Board, there shall be such a demand for the purchase of oil, gas, sulphur or other mineral leases on any tract or part of any tract of land as will reasonably insure an advantageous sale, the Board shall place such oil, gas, sulphur or other mineral leases on said land on the market in such tract or tracts, or any part thereof, as the Board may designate. It shall cause to be advertised a brief description of the land from which the oil, gas, sulphur or other minerals is proposed to be leased. Such advertisement shall be made by inserting in two or more papers of

general circulation in this State and in addition the Board may, in its discretion, cause said advertisement to be placed in an Oil and Gas Journal published in and out of the State, and also mail copies of such proposals to the county judge of the county where said lands are located, and mail copies of such proposals to such other persons as the Board might think would be interested therein.

The Board may sell the lease or leases to the highest bidder at public auction at the Agricultural and Mechanical College of Texas, College Station, Texas, at any hour between 10:00 a. m., and 5:00 p. m. The Board shall have the right to reject all bids. However, the highest bidder shall pay to the Board on the day of the sale twenty-five per cent (25%) of the bonus bid and the balance of the bid shall be paid to the Board within twenty-four (24) hours after being notified that the bid has been accepted. Payments shall be paid in cash, certified check or cashier's check, as the Board may direct; provided, the failure to pay the balance of the amount bid will forfeit to the Board the twenty-five per cent (25%) paid.

Section 4. A separate bid shall be made for each tract or subdivision thereof. No bids shall be accepted which offer a royalty of less than one-eighth (1-8th) of the gross production of oil, gas, sulphur and other minerals in the land bid upon and this minimum royalty may be increased at the discretion of the Board. Every bid shall carry the obligation to pay an amount not less than One (\$1.00) Dollar per acre for delay in drilling or development; such amount to be fixed by the Board in advance of the advertisement and shall be paid every year for five (5) years unless in the meantime production in paying quantities is had upon the land or said land is released by the lessee.

Section 5. If in the opinion of the Board any one of the bidders shall have offered a reasonable and proper price for any tract and not less than the price fixed by the Board, the lands advertised may be leased for oil, gas, sulphur and/or other mineral purposes under the terms of this Act, and such regulations as the Board may prescribe, not inconsistent with the provisions of this Act. In the event no bid is accepted by the Board at public auction any subse-

quent procedure for the sale of oil and/or gas and/or sulphur and/or other mineral leases shall be in the manner above provided. Provided that no lease for oil, gas, sulphur, and/or other minerals shall be made by said Board which will permit the drilling or mining for oil and/or gas and/or sulphur and/or other minerals within less than three hundred (300) feet of any building on said land, without the consent of the Board, and further providing that in making any lease on any experimental station and/or farm the lease shall provide that the operations for oil, gas and other minerals shall not in any way interfere with the land as an experimental station and shall not cause the abandonment of said property or its use for experimental farm purposes, and the lessee operating said property shall drill and carry on his operations in such a way as not to cause the abandonment of said property for experimental farm purposes and any such leased property shall be subject to the use by the State of Texas for all experimental purposes and said Board shall continue to operate said experimental station.

Section 6. If the Board shall determine that a satisfactory bid has been received for said oil, gas, sulphur and/or other mineral lands it shall accept the same and reject all other bids and file said accepted bid in the General Land Office. Whenever the royalties shall amount to as much as the yearly payments as fixed by the Board, the yearly payments may be discontinued. If before the expiration of five years oil and/or gas and/or sulphur and/or other minerals shall not have been produced in paying quantities, the lease shall terminate, unless extended as hereinafter provided.

Section 7. (a) If the Board shall determine that a satisfactory bid has been received for said oil, gas, sulphur and/or other minerals, it will make an award to the bidder offering the highest price therefor, and a lease shall be filed in the General Land Office.

(b) The exploratory term of the lease as determined by the Board prior to the promulgation of the advertisement shall in no case exceed five (5) years, and each lease shall provide that the lease will terminate at the expiration of its ex-

ploratory term unless by unanimous vote of members of the Board such lease may be extended for a period of three (3) years, which lease may be extended where the Board finds that there is likelihood of oil, gas, sulphur and/or other minerals being discovered thereon by lessees, and that such lessees have proceeded with diligence to protect the interest of the State; provided, however, that if oil, gas, sulphur and/or other minerals is being produced in paying quantities from the premises, said lease shall continue in force and effect as long as such oil, gas, sulphur and/or other minerals are being so produced. Provided, that no extension hereunder may be made by the Board until the last thirty (30) days of the original term of the lease. The lease shall include such additional provisions and regulations as the Board may prescribe to preserve the interest of the State, but not inconsistent with the provisions of this Act.

(c) Whenever in the discretion of said Board, it is deemed for the best interest of the State to extend a lease issued by said Board, the Board is hereby granted and given full authority by unanimous vote to extend said lease for a period not to exceed three (3) years, upon the condition that the lessee shall continue to pay yearly rental as provided in the lease and such additional terms as the Board may see fit and proper to demand. The Board is hereby given full authority to extend such lease and execute an extension agreement therefor.

(d) Whenever in the discretion of the Board, it is for the best interest of the State to prorate, or reduce production of any land, said Board shall have and is hereby given authority to execute the necessary contract to carry out such purpose.

Section 8. If, during the term of any lease issued under the provisions of this Act, the lessee shall be engaged in actual drilling operations for the discovery of oil, gas, sulphur and/or other minerals on land covered by any such lease, no rentals shall be payable as to the tract on which such operations are being conducted so long as such operations are proceeding in good faith; and in the event oil, gas, sulphur and/or other minerals are discovered in paying quantities on any tract of land covered by any such lease, then the lease as to

such tract shall remain in force so long as oil, gas, sulphur and/or other minerals are produced in paying quantities from such tract. In the event of the discovery of oil, gas, sulphur and/or other minerals on any tract covered by a lease issued hereunder or on any land adjoining same, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by such lease to properly develop the same, to the extent that a reasonably prudent operator would do under the same and similar circumstances.

Section 9. Title to all rights purchased may be held by the owners so long as the area produces oil, gas, sulphur and/or other minerals in paying quantities. All rights purchased may be assigned. All assignments shall be filed in the General Land Office within one hundred days from the date of the first acknowledgment thereof, accompanied by ten cents per acre for each acre assigned and if not so filed and payment made, the assignment shall not be effective. All rights to any whole tract or to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed with the Chairman of the Board accompanied with One Dollar for each area assigned, but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon. The Board shall authorize the laying of pipe line, telephone line, and the opening of such roads as may be deemed reasonably necessary for and incident to the purpose of this Act.

Section 10. If oil or other minerals are developed on any of the lands leased by the Board, the royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, on or before the 20th day of each succeeding month for the preceding month during the life of the rights purchased, and be set aside in the State Treasury as specified in Section 1 hereof, and said funds may be used as therein provided. Said royalty paid to the General Land Office as above stipulated shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur and/or

other minerals produced and saved since the last report and the amount of oil, gas, sulphur and/or other minerals produced and sold off the premises and the market value of the oil, gas, sulphur and/or other minerals together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipe line receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipe lines, tanks, vats, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, pipe lines, and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil, gas, sulphur and/or other minerals shall at all times be subject to inspection and examination of any member of the Board of Directors of the Agricultural and Mechanical College of Texas or any duly authorized representative of said Board. The Commissioner of the General Land Office shall tender to the Board of Directors of the Agricultural and Mechanical College of Texas at the close of each month a report of all receipts from the lease or sale of oil, gas, sulphur and/or other minerals turned into the special fund in the State Treasury.

Section 11. In every case where the area in which oil, gas, sulphur and/or other minerals sold shall be contiguous or adjacent to lands which are not lands belonging to and held by the Agricultural and Mechanical College of Texas, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner thereof to adequately protect the land leased from drainage from said adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances. In cases where the area in which the oil, gas, sulphur and/or other minerals are sold is contiguous to other lands belonging to and held by the Agricultural and Mechanical College of Texas which have been leased or sold at a lesser royalty, the owner shall likewise protect said land from drainage from the lands so leased or sold for a lesser royalty. Upon failure to protect the land from drainage as herein provided the sale and all rights thereunder may be forfeited by the Board in the manner elsewhere provided for forfeitures.

Section 12. If the owner of the

rights acquired under this Act shall fail or refuse to make the payments of any sum due thereon, either as rental or royalty on the production, within thirty (30) days after the same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling or mining or if such owner shall fail or refuse to drill any off-set well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority access to the records and other data pertaining to the operations under this Act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the Board by an order entered upon the minutes of the Board reciting the facts constituting the default, and declaring the forfeiture. The Board may, if it so desires, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the lease may, at the discretion of the Board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy but suit for damages or specific performance, or both, may be instituted. The State shall have a first lien upon oil, gas, sulphur and/or other minerals produced upon the leased area, and upon all rigs, tanks, vats, pipe lines, telephone lines, and machinery and appliances used in the production and handling of oil and/or gas and/or sulphur and/or other minerals produced thereon, to secure any amount due from the owner of the said lease.

Section 13. All surveys, files, records, copies of sale and lease contracts and all other records pertaining to the sales and leases hereby authorized shall be filed in the General Land Office and constitute archives thereof. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State

Treasurer all royalties, lease fees, rentals for delay in drilling or mining and all other payments, including all filing assignments and relinquishment fees hereunder, to be deposited in the special fund in the State Treasury to the credit of the Agricultural and Mechanical College of Texas as above provided.

Section 14. The Board shall adopt proper forms and regulations, rules and contracts as will in its best judgment protect the income from lands leased hereunder. A majority of the Board shall have power to act in all cases, except where otherwise herein provided. The Board may reject any and all bids and shall have the further right to withdraw any lands advertised for lease.

Section 15. The expenses of executing the provisions of this Act shall be paid by warrants drawn by the Comptroller of the State on the State Treasurer, and for that purpose the sum of Two Thousand (\$2,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated until September 1, 1937, after which time expenses of executing the provisions of this Act shall be paid by warrants drawn by the Comptroller of the State on the State Treasurer against the income from the special fund accumulated from leases, rentals, royalties, and other payments.

Section 16. If any section, subsection, paragraph, clause or sentence in this Act is declared to be unconstitutional, the same shall not affect the remaining portions of this Act.

Section 17. The fact that there is no law authorizing the sale of oil and/or gas and/or sulphur and/or other mineral leases on lands belonging to and held by the Agricultural and Mechanical College of Texas and its divisions acquired for special purposes, other than the University lands, and the further fact that some of these lands have valuable mineral rights which, if properly conserved, would be of great financial benefit in furthering the purposes for which the land was acquired, or may be acquired, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall

take effect and be in force from and after its passage and it is so enacted.

On motion of Mr. Quinn, the report was adopted by the following vote:

Yeas—122

Alexander	Kenyon
Alsup	King
Amos	Knetsch
Baker	Langdon
Beckworth	Lankford
Bell	Lanning
Blankenship	Leonard
Boethel	Leyendecker
Bond	Loggins
Boyer	London
Bradbury	Mann
Bradford	Mays
Brown	McConnell
Burton	McCracken
Cagle	McDonald
Callan	McFarland
Cathey	McKee
Cauthorn	McKinney
Celaya	Metcalfe
Cleveland	Moffett
Davis of Jasper	Monkhouse
Davison of Fisher	Morris
Davisson	Morse
of Eastland	Newton
Dean	Nicholson
Deglandon	Patterson of Mills.
Dickison	Patterson
Dollins	of Travis
England	Petsch
Farmer	Pope
Felty	Powell
Fielden	Prescott
Fuchs	Quinn
Graves	Reader
Hamilton	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Rhodes
Harbin	Riddle
Hardin	Roark
Harper	Ross
Harris of Archer	Russell
Harris of Dallas	Rutta
Harris of Dickens	Schuenemann
Hartzog	Settle
Heflin	Sharpe
Herzik	Shell
Holland	Simpson
Hoskins	Skaggs
Huddleston	Smith of Hopkins
Hull	Stevenson
Hyder	Stinson
James	Stocks
Johnson of Ellis	Talbert
Jones of Angelina	Tarwater
Jones of Atascosa	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Keefe	Vale
Keith	Waggoner

Walker
Weldon
Westbrook

Winfree
Wood
Worley

Absent

Adkins	Jackson
Bates	Johnson
Bridgers	of Tarrant
Broadfoot	Leath
Colquitt	Little
Fox	Mauritz
Gibson	Palmer
Harrell	Ragsdale
Howard	Smith of Tarrant

Absent—Excused

Carsow	Oliver
Davis of Haskell	Sewell
Derden	Smith
Kelt	of Matagorda
Kern	Tennant
Lucas	

HOUSE BILL NO. 397 ON SECOND READING

The Speaker laid before the House, as special order for this hour, on its second reading and passage to engrossment,

H. B. No. 397, A bill to be entitled "An Act to provide for the purchase of a site and for the establishment, location, and construction of a hospital for the white mentally ill, naming the same, and providing for the care, treatment and support of white mentally ill persons; to make an appropriation therefor, and declaring an emergency."

The bill was read second time.

Mr. Davison of Fisher offered the following committee amendment to the bill:

Amend House Bill No. 397, by adding a new section after Section 6 to be known as Section 6a, and to read, as follows:

"The total appropriation as heretofore set out shall be allocated as follows:

"Item 1, Ward building and equipment	\$115,000
Item 2, Ward building and equipment	115,000
Item 3, Phychopathic building and equipment	127,000
Item 4, General hospital-clinic building and equipment	75,000
Item 5, Administration building and equipment	100,000

Item 6, Employees' quarters and equipment	60,000
Item 7, Storeroom-warehouse and equipment	40,000
Item 8, Utility and other buildings, utility and other equipment, roads, side-walks, furniture, livestock, implements and contingencies	185,000

Grand total, proposed new hospital\$817,000"

In the expenditure of the above itemized amounts, the Board of Control shall have the authority to make proper adjustments in the above set forth items and may accept any donations of land offered, if they see fit to do so."

Question—Shall the committee amendment be adopted?

REQUEST OF SENATE GRANTED

On motion of Mr. Prescott, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the two Houses on Senate Bill No. 80.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 80

The Speaker announced the appointment, on the part of the House, of the following conference committee on Senate Bill No. 80:

Messrs. Prescott, Pope, Vale, McFarland and Celaya.

REQUEST OF SENATE GRANTED

On motion of Mr. Thornton, the House granted the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate Bill No. 337.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 337

The Speaker announced the appointment of the following conference committee, on the part of the House, on Senate Bill No. 337:

Messrs. Thornton, Davison of Fisher, Leonard, London and Alsup.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 130

The Speaker announced the appointment of the following conference committee, on the part of the House, on House Bill No. 130:

Messrs. James, Cagle, Derden, Howard and Thornberry.

RECESS

Mr. Moffett moved that the House recess until 2:00 o'clock p. m., today.

Mr. Dean moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—42

Alsup	Keith
Bates	Kenyon
Blankenship	McConnell
Boyer	McCracken
Cagle	McDonald
Celaya	McFarland
Colquitt	McKinney
Dean	Monkhouse
Dickison	Morris
Dollins	Nicholson
England	Palmer
Felty	Pope
Hankamer	Riddle
Harris of Dallas	Russell
Hartzog	Schuenemann
Heflin	Shell
Howard	Smith of Tarrant
Jackson	Stinson
Jones of Angelina	Thornton
Jones of Atascosa	Vale
Keefe	Walker

Nays—78

Adkins	Davis of Jasper
Alexander	Davison of Fisher
Amos	Deglandon
Baker	Farmer
Beckworth	Fielden
Bell	Fox
Boethel	Fuchs
Bradbury	Gibson
Bradford	Hamilton
Bridgers	Hanna
Brown	Harbin
Burton	Hardin
Callan	Harper
Cathey	Harris of Archer
Cauthorn	Harris of Dickens
Cleveland	Herzik

Holland	Petsch
Huddleston	Powell
James	Prescott
Johnson of Ellis	Quinn
Johnson	Ragsdale
of Tarrant	Reed of Bowie
Jones of Wise	Reed of Dallas
King	Rhodes
Knetsch	Roark
Langdon	Ross
Lankford	Rutta
Lanning	Simpson
Leath	Skaggs
Leyendecker	Smith of Hopkins
Loggins	Stocks
London	Talbert
Mann	Tarwater
Metcalfe	Tennyson
Moffett	Thornberry
Morse	Waggoner
Newton	Weldon
Patterson of Mills	Westbrook
Patterson	Winfree
of Travis	Worley

Absent

Bond	Leonard
Broadfoot	Little
Davison	Mauritz
of Eastland	Mays
Graves	McKee
Harrell	Reader
Hoskins	Settle
Hull	Sharpe
Hyder	Stevenson
Jones of Falls	Wood

Absent—Excused

Carssow	Oliver
Davis of Haskell	Sewell
Derden	Smith
Kelt	of Matagorda
Kern	Tennant
Lucas	

Question then recurring on the motion to recess until 2:00 o'clock p. m., today, it prevailed, and the House, accordingly, at 12:05 o'clock p. m., took recess until 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence:

Mr. Harris of Dallas for this afternoon, on account of important business, on motion of Mr. Morse.

Mr. Hartzog, Mr. Russell, Mr. Vale and Mr. Pope for this afternoon, on account of important business.

Mr. Felty for this afternoon, on account of important State business, on motion of Mr. Hoskins.

Mr. Monkhouse for this afternoon, on account of important business.

Mr. Alsup for this afternoon, on account of important business, on motion of Mr. Metcalfe.

Mr. Johnson of Ellis moved a call of the House for the purpose of maintaining a quorum until 4:00 o'clock p. m., today, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

HOUSE BILL NO. 397 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 397, concerning the establishment, location and construction of a new hospital for the white mentally ill, on its passage to engrossment.

The bill having heretofore been read second time, with committee amendment by Mr. Davison of Fisher, pending.

Question recurring on the committee amendment, it was adopted.

Mr. Bradbury offered the following amendment to the bill:

Amend House Bill No. 397, page 1, by striking out all of line 20 beginning with the word "the" and striking out all of line 21, 22, and 23 and inserting in lieu thereof the following:

"The hospital shall be located at some point west of the 100th meridian, or within any county through which the 100th meridian passes, and any place where not less than 320 acres of good fertile agricultural land can be secured."

The amendment was adopted.

Mr. Sharpe offered the following amendment to the bill:

Amend House Bill No. 397, by striking out on page 2, lines 23 and 24, Section 6, the words: "For the payments of the lands selected for a site, and expenses incurred in procuring the same" and substitute in lieu thereof the following: "Provided that the city where the hospital is located shall furnish the land upon which said hospital shall be built and maintained free of all cost to the State".

Mr. Davison of Fisher moved to table the amendment.

The motion to table prevailed.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

By unanimous consent of the House, the word "white" was ordered taken from the bill wherever it appears in same.

House Bill No. 397 was then passed to engrossment.

HOUSE BILL NO. 397 ON THIRD READING

Mr. Davison of Fisher moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 397 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adkins	Hardin
Alexander	Harper
Alsup	Harris of Archer
Amos	Harris of Dickens
Baker	Herzik
Bates	Holland
Beckworth	Huddleston
Bell	Hull
Blankenship	James
Boethel	Johnson of Ellis
Boyer	Johnson
Bradbury	of Tarrant
Bradford	Jones of Angelina
Bridgers	Jones of Atascosa
Brown	Jones of Wise
Burton	Keefe
Cagle	King
Callan	Knetsch
Cauthorn	Langdon
Cleveland	Lankford
Davis of Jasper	Lanning
Davison of Fisher	Leonard
Dean	Leyendecker
Deglandon	Little
Derden	Loggins
Dickison	London
Dollins	Mann
England	McConnell
Farmer	McDonald
Fielden	McFarland
Fox	McKee
Fuchs	McKinney
Gibson	Metcalf
Graves	Moffett
Hamilton	Morris
Hankamer	Morse
Hanna	Newton
Harbin	Nicholson

Patterson of Mills	Skaggs
Patterson	Smith of Hopkins
of Travis	Smith of Tarrant
Petsch	Stevenson
Powell	Stocks
Prescott	Talbert
Quinn	Tarwater
Reader	Tennyson
Reed of Bowie	Thornberry
Reed of Dallas	Thornton
Rhodes	Walker
Roark	Weldon
Ross	Westbrook
Rutta	Winfree
Settle	Wood
Simpson	Worley

Absent

Bond	Kenyon
Broadfoot	Leath
Cathey	Mauritz
Celaya	Mays
Colquitt	McCracken
Davisson	Palmer
of Eastland	Ragsdale
Harrell	Riddle
Heflin	Schuenemann
Hoskins	Sharpe
Howard	Shell
Hyder	Stinson
Jackson	Waggoner
Keith	

Absent—Excused

Carssow	Monkhouse
Davis of Haskell	Oliver
Felty	Pope
Harris of Dallas	Russell
Hartzog	Sewell
Jones of Falls	Smith
Kelt	of Matagorda
Kern	Tennant
Lucas	Vale

The Speaker then laid House Bill No. 397 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Adkins	Brown
Alexander	Burton
Alsup	Cagle
Amos	Callan
Baker	Cauthorn
Bates	Cleveland
Beckworth	Davis of Jasper
Bell	Davison of Fisher
Blankenship	Dean
Boethel	Deglandon
Boyer	Derden
Bradbury	Dickison
Bradford	Dollins
Bridgers	England

Farmer	McKinney
Fielden	Metcalfe
Fox	Moffett
Fuchs	Morris
Gibson	Morse
Graves	Newton
Hamilton	Nicholson
Hankamer	Palmer
Hanna	Patterson of Mills
Harbin	Patterson
Harper	of Travis
Harris of Archer	Petsch
Harris of Dickens	Powell
Herzik	Prescott
Holland	Quinn
Huddleston	Reader
Hull	Reed of Bowie
James	Reed of Dallas
Johnson of Ellis	Rhodes
Johnson	Roark
of Tarrant	Ross
Jones of Angelina	Rutta
Jones of Atascosa	Settle
Jones of Wise	Simpson
Keefe	Skaggs
King	Smith of Hopkins
Knetsch	Smith of Tarrant
Langdon	Stevenson
Lankford	Stocks
Lanning	Talbert
Leonard	Tarwater
Leyendecker	Tennyson
Little	Thornberry
Loggins	Thornton
London	Walker
Mann	Weldon
McConnell	Westbrook
McDonald	Winfree
McFarland	Wood
McKee	Worley

Absent

Bond	Keith
Broadfoot	Kenyon
Cathey	Leath
Celaya	Mauritz
Colquitt	Mays
Davisson	McCracken
of Eastland	Ragsdale
Hardin	Riddle
Harrell	Schuenemann
Heflin	Sharpe
Hoskins	Shell
Howard	Stinson
Hyder	Waggoner
Jackson	

Absent—Excused

Carssow	Kern
Davis of Haskell	Lucas
Felty	Monkhouse
Harris of Dallas	Oliver
Hartzog	Pope
Jones of Falls	Russell
Kelt	Sewell

Smith	Tennant
of Matagorda	Vale

MESSAGE FROM THE SENATE

Austin, Texas, April 9, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Bill No. 365 by the following vote: Yeas, 27; nays, 0.

Concurred in House amendments to Senate Bill No. 41 by the following vote: Yeas, 21; nays, 5.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SPECIAL ORDER SET

Mr. Morse moved that House Bill No. 5 be set as a special order for 10:30 o'clock a. m., next Tuesday.

The motion prevailed.

HOUSE BILL NO. 48 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 48, A bill to be entitled "An Act creating a system of Old Age Assistance in Texas, placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission; prescribing their terms of office, qualifications and duties; fixing their salaries; providing for the appointment of an Executive Director to the Old Age Assistance Commission and a Chief Auditor; prescribing qualifications, duties and salaries of such Executive Director and Chief Auditor; providing for applications by those entitled to old age assistance and the hearing of same by the county judge of the county wherein the applicant resides; and providing for the selection and appointment of necessary personnel; providing for the filing of an application for assistance by the applicants therefor and the necessary information required, etc., and declaring an emergency."

The bill having heretofore been read second time, with committee amendment offered by Mr. Farmer, pending.

Mr. Jones of Atascosa offered the following substitute for the committee amendment:

Amend House Bill No. 48, by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Section 3, of House Bill No. 8, page 2040, of the Acts of the Third Called Session of the Forty-fourth Legislature, being Article 2, Section 3 of the said Act, be amended so as to hereafter read as follows:

"Sec. 3. The Commission may grant financial aid to any needy person who is in necessitous circumstances provided such person

(a) Has attained the age of sixty-five (65) years;

(b) Is a citizen of the United States;

(c) Has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of his application for assistance, and has resided in the State of Texas continuously for one (1) year immediately preceding the application. The terms "residence", "residing" and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the word "domicile" and the word "residence" as used in their broader meaning.

(d) Is not at the time of receiving such aid an inmate of any public or private home for the aged, or any public or private institution of a custodial, or curative character, provided, however, that aid may be granted to persons temporarily confined in private institutions for medical or surgical care;

(e) Has not made a voluntary assignment of transfer of property for the purpose of qualifying for such aid;

(f) Is not an habitual criminal or an habitual drunkard;

(g) Is unable to support himself and has no husband or wife able to furnish him or her with support, and has no other means of support." Provided however, that the fact that the applicant may have a child or children or other relative shall not be considered in passing upon said application.

Sec. 2. The fact that under Subsection (g), of Section 3, House Bill No. 8, of the Third Called Session of the Forty-fourth Legislature, many needy old persons are being deprived of aid because of the provis-

ions contained in said subsection (g), and the further fact that the administrators of the Old Age Assistance are taking into consideration the fact that the applicants have a child or children or other relatives able to support them, is depriving said applicants of assistance, creates an emergency and imperative public necessity requiring the suspension of the Constitutional Rule to be read three several days in each House and said rule is hereby suspended, and this Act shall take effect and be enforced from and after its passage, and it is so enacted.

JONES of Atascosa,
BRADBURY.

Mr. Thornton moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—26

Alexander	Jones of Angelina
Blankenship	Leonard
Boethel	McDonald
Boyer	McFarland
Bridgers	McKee
Colquitt	McKinney
Dean	Metcalfe
Graves	Nicholson
Hankamer	Reader
Hoskins	Stevenson
Howard	Stocks
Hull	Thornton
Johnson	Walker
of Tarrant	

Nays—82

Adkins	England
Amos	Farmer
Baker	Fielden
Bates	Fox
Beckworth	Fuchs
Bell	Hamilton
Bradbury	Hanna
Brown	Harbin
Burton	Hardin
Cagle	Harper
Callan	Harris of Archer
Cathey	Harris of Dickens
Cauthorn	Heflin
Cleveland	Herzik
Davis of Jasper	Holland
Davisson	Huddleston
of Eastland	James
Deglandon	Johnson of Ellis
Derden	Jones of Atascosa
Dickison	Jones of Wise

Keefe	Powell
King	Prescott
Knetsch	Quinn
Langdon	Reed of Bowie
Lankford	Reed of Dallas
Lanning	Rhodes
Leyendecker	Roark
Little	Ross
Loggins	Rutta
London	Sharpe
Mann	Simpson
Mauritz	Skaggs
McConnell	Smith of Hopkins
Moffett	Smith of Tarrant
Morris	Talbert
Morse	Tarwater
Newton	Thornberry
Palmer	Waggoner
Patterson of Mills	Weldon
Patterson	Westbrook
of Travis	Winfree
Petsch	Worley

Absent

Bond	Leath
Bradford	Mays
Broadfoot	McCracken
Celaya	Ragsdale
Davison of Fisher	Riddle
Dollins	Schuenemann
Gibson	Settle
Harrell	Shell
Hyder	Stinson
Jackson	Tennyson
Keith	Wood
Kenyon	

Absent—Excused

Alsup	Monkhouse
Carssow	Oliver
Davis of Haskell	Pope
Felty	Russell
Harris of Dallas	Sewell
Hartzog	Smith
Jones of Falls	of Matagorda
Kelt	Tennant
Kern	Vale
Lucas	

Mr. Bates moved the previous question on the pending amendments and passage of House Bill No. 48 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—73

Adkins	Blankenship
Amos	Boethel
Bates	Bradbury
Beckworth	Brown

Callan	Lankford
Cathey	Leyendecker
Cauthorn	Loggins
Cleveland	London
Davis of Jasper	Mann
Davisson	McConnell
of Eastland	Metcalfe
Dean	Moffett
Deglandon	Morse
Derden	Newton
Dickison	Palmer
England	Patterson of Mills
Farmer	Patterson
Fielden	of Travis
Fuchs	Petsch
Hamilton	Powell
Hanna	Prescott
Harbin	Quinn
Hardin	Reader
Harper	Reed of Bowie
Harris of Dickens	Reed of Dallas
Heflin	Rhodes
Holland	Roark
Huddleston	Ross
Hull	Rutta
James	Sharpe
Johnson of Ellis	Simpson
Johnson	Skaggs
of Tarrant	Smith of Tarrant
Jones of Angelina	Stocks
Jones of Falls	Talbert
Keefe	Weldon
King	Westbrook
Langdon	Winfree

Nays—37

Alexander	Leonard
Baker	Mays
Bell	McDonald
Bond	McFarland
Boyer	McKee
Bridgers	McKinney
Burton	Morris
Cagle	Nicholson
Colquitt	Smith of Hopkins
Fox	Stevenson
Graves	Tarwater
Hankamer	Tennyson
Harris of Archer	Thornberry
Howard	Thornton
Jackson	Waggoner
Jones of Atascosa	Walker
Jones of Wise	Wood
Knetsch	Worley
Lanning	

Absent

Bradford	Hoskins
Broadfoot	Hyder
Celaya	Keith
Davison of Fisher	Kenyon
Dollins	Leath
Gibson	Little
Harrell	Mauritz
Herzik	McCracken

Ragsdale
Riddle
Schuenemann

Settle
Shell
Stinson

Absent—Excused

Alsup	Monkhouse
Carssow	Oliver
Davis of Haskell	Pope
Felty	Russell
Harris of Dallas	Sewell
Hartzog	Smith
Kelt	of Matagorda
Kern	Tennant
Lucas	Vale

Mr. Hardin moved to reconsider the vote by which the previous question was ordered, and to table the motion to reconsider.

The motion to table prevailed.

Question first recurring on the substitute amendment by Mr. Jones of Atascosa, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

Yeas—66

Alexander	Jones of Wise
Baker	Keefe
Bell	Knetsch
Boethel	Leonard
Bond	Leyendecker
Boyer	Little
Bradbury	McDonald
Bridgers	McFarland
Brown	McKinney
Burton	Metcalf
Cauthorn	Moffett
Cleveland	Morris
Colquitt	Morse
Davison of Fisher	Nicholson
Dean	Patterson
Deglandon	of Travis
England	Reader
Fox	Reed of Dallas
Fuchs	Riddle
Gibson	Roark
Graves	Settle
Hamilton	Sharpe
Hankamer	Smith of Hopkins
Harper	Stevenson
Harris of Archer	Stinson
Heflin	Talbert
Holland	Tarwater
Hoskins	Tennyson
Howard	Thornberry
Hull	Thornton
Jackson	Waggoner
Johnson	Walker
of Tarrant	Wood
Jones of Atascosa	Worley

Nays—52

Adkins	Lanning
Amos	Leath
Bates	Loggins
Beckworth	London
Blankenship	Mann
Callan	Mays
Cathey	McConnell
Celaya	McKee
Davis of Jasper	Newton
Davisson	Palmer
of Eastland	Patterson of Mills
Derden	Petsch
Dickison	Powell
Farmer	Prescott
Fielden	Quinn
Hanna	Reed of Bowie
Harbin	Rhodes
Hardin	Ross
Harris of Dickens	Rutta
Herzik	Simpson
Huddleston	Skaggs
James	Smith of Tarrant
Johnson of Ellis	Stocks
Jones of Angelina	Weldon
King	Westbrook
Langdon	Winfree
Lankford	

Absent

Bradford	Kenyon
Broadfoot	Mauritz
Cagle	McCracken
Dollins	Ragsdale
Harrell	Schuenemann
Hyder	Shell
Keith	

Absent—Excused

Alsup	Monkhouse
Carssow	Oliver
Davis of Haskell	Pope
Felty	Russell
Harris of Dallas	Sewell
Hartzog	Smith
Jones of Falls	of Matagorda
Kelt	Tennant
Kern	Vale
Lucas	

The amendment, as substituted, was then adopted.

REASON FOR VOTE

I voted against the Jones of Atascosa substitute for committee amendment to House Bill No. 48 because the committee amendment contained the same provisions together with many more provisions which I favored. After the Jones of Atascosa substitute was substituted, I voted for its adoption, and had the vote been made a record vote it would have shown mine as an "aye" vote.

DERDEN.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 48 was then passed to engrossment.

HOUSE BILL NO. 48 ON THIRD READING

Mr. Farmer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adkins	Hull
Alexander	James
Amos	Johnson of Ellis
Baker	Johnson
Bates	of Tarrant
Beckworth	Jones of Angelina
Bell	Jones of Atascosa
Blankenship	Jones of Wise
Boethel	Keefe
Bond	King
Boyer	Knetsch
Bradbury	Langdon
Brown	Lankford
Burton	Lanning
Callan	Leath
Cathey	Leyendecker
Cauthorn	Little
Celaya	Loggins
Cleveland	London
Colquitt	Mann
Davis of Jasper	Mays
Davison of Fisher	McConnell
Davison	McFarland
of Eastland	McKee
Dean	Metcalfe
Deglandon	Moffett
Derden	Morris
Dickison	Morse
England	Newton
Farmer	Nicholson
Fielden	Palmer
Fox	Patterson of Mills
Fuchs	Patterson
Gibson	of Travis
Graves	Petsch
Hamilton	Powell
Hanna	Prescott
Harbin	Quinn
Harper	Reader
Harris of Archer	Reed of Bowie
Harris of Dickens	Reed of Dallas
Heflin	Rhodes
Herzik	Riddle
Holland	Roark
Hoskins	Ross
Howard	Rutta
Huddleston	Settle

Sharpe	Tennyson
Simpson	Thornberry
Skaggs	Waggoner
Smith of Hopkins	Walker
Smith of Tarrant	Weldon
Stevenson	Westbrook
Stinson	Winfree
Stocks	Wood
Talbert	Worley
Tarwater	

Nays—5

Bridgers	Jackson
Hankamer	Thornton
Hardin	

Absent

Bradford	Leonard
Broadfoot	Mauritz
Cagle	McCracken
Dollins	McDonald
Harrell	McKinney
Hyder	Ragsdale
Keith	Schuenemann
Kenyon	Shell

Absent—Excused

Alsup	Monkhouse
Carssow	Oliver
Davis of Haskell	Pope
Felty	Russell
Harris of Dallas	Sewell
Hartzog	Smith
Jones of Falls	of Matagorda
Kelt	Tennant
Kern	Vale
Lucas	

The Speaker then laid House Bill No. 48 before the House on third reading and final passage.

The bill was read third time.

Mr. Morris moved the previous question on the passage of House Bill No. 48, and the main question was ordered.

House Bill No. 48 was then passed by the following vote:

Yeas—110

Adkins	Burton
Alexander	Callan
Amos	Cathey
Baker	Cauthorn
Bates	Celaya
Beckworth	Cleveland
Bell	Colquitt
Blankenship	Davis of Jasper
Boethel	Davison of Fisher
Bond	Davison
Boyer	of Eastland
Bradbury	Dean
Bridgers	Deglandon
Brown	Derden

Dickison	Metcalf
England	Moffett
Fielden	Morris
Fox	Morse
Fuchs	Newton
Gibson	Nicholson
Graves	Palmer
Hamilton	Patterson of Mills
Hanna	Patterson
Harbin	of Travis
Harper	Petsch
Harris of Archer	Powell
Harris of Dickens	Prescott
Heflin	Quinn
Herzik	Reader
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Rhodes
Huddleston	Riddle
Hull	Roark
James	Ross
Johnson of Ellis	Rutta
Johnson	Settle
of Tarrant	Sharpe
Jones of Angelina	Simpson
Jones of Atascosa	Skaggs
Jones of Wise	Smith of Hopkins
Keefe	Smith of Tarrant
King	Stevenson
Knetsch	Stinson
Langdon	Stocks
Lankford	Talbert
Lanning	Tarwater
Leath	Tennyson
Leonard	Thornberry
Leyendecker	Waggoner
Little	Walker
Loggins	Weldon
London	Westbrook
Mays	Winfree
McConnell	Wood
McFarland	Worley
McKee	

Nays—5

Farmer	Jackson
Hankamer	Thornton
Hardin	

Absent

Bradford	Mann
Broadfoot	Mauritz
Cagle	McCracken
Dollins	McDonald
Harrell	McKinney
Hyder	Ragsdale
Keith	Schuenemann
Kenyon	Shell

Absent—Excused

Alsup	Jones of Falls
Carssow	Kelt
Davis of Haskell	Kern
Felty	Lucas
Harris of Dallas	Monkhouse
Hartzog	Oliver

Pope	Smith
Russell	of Matagorda
Sewell	Tennant
	Vale

Mr. Jones of Atascosa moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE

I voted against the final passage of House Bill No. 48. This may seem strange to some, but I have good reasons for doing so. They are these:

"I introduced House Bill No. 48, repealing the present Old Age Assistance Law, and providing a bill for another law that would bring liberalization and other benefits to the old people of this State that they are entitled to under the Constitutional Amendment.

As House Bill No. 48 was passed it stripped the number of everything valuable except the one thing that investigators should not consider the fact that the applicant might have some relatives. This is a mere crumb, and will not help very much, because the amendment is not explicit enough in that it does not say that the investigators should take into consideration or not take into consideration the financial ability of the relatives of the applicant for old age assistance.

In order to express my resentment of the treatment of House Bill No. 48 I voted against its final passage, but in so doing I did not mean to indicate that I was against whatever little good might come out of the Jones substitute.

In fact, I believe that the Speaker was wrong when he ruled privately with me that the Jones substitute was germane and proper. I do not believe that it is germane and do believe that it violated the Constitutional Rule which provides that no bill shall be changed from its original purpose in its passage through either House. This Jones substitute changed the original purpose of House Bill No. 48 and the Speaker should have so ruled.

In the campaign next year this issue will be the greatest question before the people. I now make these matters of record so that I may be able to tell the voters of this State

the reason why the old people did not obtain that to which they are entitled.

Other things might be said. These reasons, at this time, are long enough. I have done my duty."

FARMER.

Mr. Leonard moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—38

Alexander	Little
Blankenship	Mann
Boyer	McDonald
Bridgers	McFarland
Celaya	McKee
Colquitt	McKinney
Dean	Morse
England	Nicholson
Gibson	Reader
Hankamer	Reed of Dallas
Hanna	Riddle
Harris of Dickens	Rutta
Hoskins	Settle
Howard	Sharpe
Hull	Stevenson
James	Stinson
Knetsch	Thornton
Leonard	Walker
Leyendecker	Winfree

Nays—80

Adkins	Graves
Amos	Hamilton
Baker	Harbin
Bates	Hardin
Beckworth	Harper
Bell	Harris of Archer
Boethel	Heflin
Bond	Herzik
Bradbury	Holland
Brown	Huddleston
Burton	Jackson
Callan	Johnson of Ellis
Cathey	Johnson
Cauthorn	of Tarrant
Cleveland	Jones of Angelina
Davis of Jasper	Jones of Atascosa
Davison of Fisher	Jones of Wise
Davisson	Keefe
of Eastland	King
Deglandon	Langdon
Derden	Lankford
Dickson	Lanning
Farmer	Leath
Fielden	Loggins
Fox	London
Fuchs	Mays

McConnell	Ross
Metcalf	Simpson
Moffett	Skaggs
Morris	Smith of Hopkins
Newton	Smith of Tarrant
Palmer	Stocks
Patterson of Mills	Talbert
Patterson	Tarwater
of Travis	Tennyson
Petsch	Thornberry
Powell	Waggoner
Prescott	Weldon
Quinn	Westbrook
Reed of Bowie	Wood
Rhodes	Worley
Roark	

Absent

Bradford	Kenyon
Broadfoot	Mauritz
Cagle	McCracken
Dollins	Ragsdale
Harrell	Schuenemann
Hyder	Shell
Keith	

Absent—Excused

Alsup	Monkhouse
Carssow	Oliver
Davis of Haskell	Pope
Felty	Russell
Harris of Dallas	Sewell
Hartzog	Smith
Jones of Falls	of Matagorda
Kelt	Tennant
Kern	Vale
Lucas	

HOUSE BILL NO. 4 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 4, A bill to be entitled "An Act providing a title for the Act; providing for the imposition of a franchise tax; providing that certain corporations shall be exempt from the Act but requiring the exemption to be proven by the claimant; and repealing all existing exemptions or special credits; providing definitions for certain words, terms and phrases; providing certain deductions in computing net income; providing certain unallowable deductions; providing a method of computing the net income of insurance corporations; providing for the use of fiscal or calendar accounting periods; . . . etc., and declaring an emergency."

The bill was read third time.

Mr. Thornton moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46

Adkins	Johnson
Alexander	of Tarrant
Blankenship	Knetsch
Boyer	Leonard
Bridgers	Leyendecker
Cauthorn	Little
Celaya	Loggins
Colquitt	Mann
Dean	McDonald
Dickison	McFarland
England	McKee
Gibson	McKinney
Graves	Morse
Hankamer	Newton
Hanna	Nicholson
Hardin	Reed of Dallas
Harris of Dickens	Rutta
Heflin	Settle
Hoskins	Smith of Tarrant
Howard	Stevenson
Hull	Stinson
Jackson	Thornton
James	Walker
	Winfree

Nays—70

Amos	Jones of Atascosa
Baker	Jones of Wise
Bates	Keefe
Beckworth	King
Bell	Langdon
Boethel	Lankford
Bond	Lanning
Bradbury	Leath
Brown	London
Burton	Mays
Callan	McConnell
Cathey	Metcalf
Cleveland	Moffett
Davis of Jasper	Morris
Davison of Fisher	Palmer
Davisson	Patterson of Mills
of Eastland	Patterson
Deglandon	of Travis
Derden	Petsch
Farmer	Powell
Fielden	Prescott
Fox	Quinn
Fuchs	Reader
Hamilton	Rhodes
Harbin	Roark
Harper	Ross
Harris of Archer	Sharpe
Herzik	Simpson
Holland	Skaggs
Huddleston	Smith of Hopkins
Johnson of Ellis	Stocks
Jones of Angelina	Talbert

Tarwater
Tennyson
Thornberry
Waggoner

Weldon
Westbrook
Wood
Worley

Absent

Bradford	Mauritz
Broadfoot	McCracken
Cagle	Ragsdale
Dollins	Reed of Bowie
Harrell	Riddle
Hyder	Schuenemann
Keith	Shell
Kenyon	

Absent—Excused

Alsup	Monkhouse
Carssow	Oliver
Davis of Haskell	Pope
Felty	Russell
Harris of Dallas	Sewell
Hartzog	Smith
Jones of Falls	of Matagorda
Kelt	Tennant
Kern	Vale
Lucas	

Mr. Bates moved the previous question on the passage of House Bill No. 4, and the main question was ordered.

Question recurring on the final passage of House Bill No. 4, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:
Yeas, 61; nays, 58.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—59

Amos	Harbin
Baker	Harris of Archer
Bates	Herzik
Beckworth	Holland
Bell	Huddleston
Boethel	Jones of Angelina
Bradbury	Jones of Wise
Brown	Keefe
Burton	King
Callan	Langdon
Cauthorn	Lankford
Cleveland	Lanning
Davison of Fisher	Leath
Davisson	Loggins
of Eastland	London
Deglandon	Mays
Fuchs	McConnell
Graves	Metcalf
Hamilton	Moffett

Morris	Rutta
Palmer	Simpson
Patterson of Mills	Skaggs
Patterson	Smith of Hopkins
of Travis	Stocks
Petsch	Talbert
Powell	Tarwater
Prescott	Thornberry
Quinn	Weldon
Rhodes	Westbrook
Roark	Worley
Ross	

Nays—56

Adkins	Johnson of Ellis
Alexander	Jones of Atascosa
Blankenship	Knetsch
Bond	Leonard
Boyer	Leyendecker
Bradford	Little
Bridgers	Mann
Cathey	McDonald
Celaya	McFarland
Colquitt	McKee
Dean	McKinney
Derden	Morse
Dickison	Newton
England	Nicholson
Farmer	Reader
Fielden	Reed of Bowie
Fox	Reed of Dallas
Gibson	Settle
Hankamer	Sharpe
Hanna	Smith of Tarrant
Hardin	Stevenson
Harris of Dickens	Stinson
Heflin	Tennyson
Hoskins	Thornton
Howard	Waggoner
Hull	Walker
Jackson	Winfree
James	Wood

Present—Not Voting

Harper	Johnson of Tarrant
--------	-----------------------

Absent

Broadfoot	Kenyon
Cagle	Mauritz
Davis of Jasper	McCracken
Dollins	Ragsdale
Harrell	Riddle
Hyder	Schuenemann
Keith	Shell

Absent—Excused

Alsup	Kelt
Carssow	Kern
Davis of Haskell	Lucas
Felty	Monkhouse
Harris of Dallas	Oliver
Hartzog	Pope
Jones of Falls	Russell

Sewell	Tennant
Smith	Vale
of Matagorda	

PAIRED

Mr. Johnson of Tarrant (present), who would vote "nay", with Mr. Kern (absent), who would vote "yea".

The Speaker announced that House Bill No. 4 was passed.

Mr. Jones of Wise moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—63

Amos	Lanning
Baker	Leath
Bates	Loggins
Beckworth	London
Bell	Mays
Boethel	McConnell
Bond	Metcalfe
Bradbury	Moffett
Brown	Morris
Burton	Palmer
Callan	Patterson of Mills
Cauthorn	Patterson
Cleveland	of Travis
Davis of Jasper	Petsch
Davison of Fisher	Powell
Davisson	Prescott
of Eastland	Quinn
Deglandon	Rhodes
England	Roark
Fuchs	Ross
Graves	Rutta
Hamilton	Simpson
Harbin	Skaggs
Harris of Archer	Smith of Hopkins
Herzik	Stocks
Holland	Talbert
Huddleston	Tarwater
Jones of Angelina	Thornberry
Jones of Wise	Waggoner
Keefe	Weldon
King	Westbrook
Langdon	Worley
Lankford	

Nays—54

Adkins	Celaya
Alexander	Colquitt
Blankenship	Dean
Boyer	Derden
Bradford	Dickison
Bridgers	Farmer
Cathey	Fielden

Fox	McDonald
Gibson	McFarland
Hankamer	McKee
Hanna	McKinney
Hardin	Morse
Harper	Newton
Harris of Dickens	Nicholson
Heflin	Reader
Hoskins	Reed of Bowie
Howard	Reed of Dallas
Hull	Settle
Jackson	Sharpe
James	Smith of Tarrant
Johnson of Ellis	Stevenson
Jones of Atascosa	Stinson
Knetsch	Tennyson
Leonard	Thornton
Leyendecker	Walker
Little	Winfree
Mann	Wood

Present—Not Voting

Johnson
of Tarrant

Absent

Broadfoot	Mauritz
Cagle	McCracken
Dollins	Ragsdale
Harrell	Riddle
Hyder	Schuenemann
Keith	Shell
Kenyon	

Absent—Excused

Alsup	Monkhouse
Carssow	Oliver
Davis of Haskell	Pope
Felty	Russell
Harris of Dallas	Sewell
Hartzog	Smith
Jones of Falls	of Matagorda
Kelt	Tennant
Kern	Vale
Lucas	

PAIRED

Mr. Johnson of Tarrant (present), who would vote "nay", with Mr. Kern (absent), who would vote "yea".

EXTENDING CONGRATULATIONS TO HON. B. J. LEYENDECKER

Mr. McKinney offered the following resolution:

Whereas, Our fellow Member, Mr. B. J. Leyendecker, has received the news that he has become a grandfather for the twenty-seventh time; therefore, be it

Resolved by the House of Representatives, That we congratulate Mr. Leyendecker upon this happy event and wish for our fellow Member many

years of pleasant association with lives with which he has been blessed.

McKINNEY,
MANN.

The resolution was read second time, and was adopted.

HOUSE BILL ON FIRST READING

Mr. Baker moved to introduce, at this time, and have placed on first reading, House Bill No. 1086.

The motion prevailed by the following vote:

Yeas—107

Adkins	Johnson
Alexander	of Tarrant
Amos	Jones of Angelina
Baker	Jones of Atascosa
Bates	Jones of Falls
Beckworth	Jones of Wise
Bell	Keefe
Blankenship	King
Boethel	Knetsch
Boyer	Langdon
Bond	Lankford
Bradbury	Lanning
Bradford	Leath
Bridgers	Leonard
Brown	Little
Burton	Loggins
Callan	London
Cauthorn	Mann
Celaya	Mays
Cleveland	McConnell
Colquitt	McDonald
Davis of Jasper	McFarland
Davisson	McKee
of Eastland	McKinney
Dean	Metcalfe
Deglandon	Moffett
Derden	Morse
Dickison	Newton
England	Nicholson
Farmer	Palmer
Fielden	Patterson of Mills
Fox	Patterson
Fuchs	of Travis
Gibson	Petsch
Hamilton	Powell
Hankamer	Prescott
Harbin	Quinn
Hardin	Reader
Harper	Reed of Bowie
Harris of Archer	Reed of Dallas
Herzik	Rhodes
Hoskins	Roark
Howard	Ross
Huddleston	Rutta
Hull	Settle
Jackson	Simpson
James	Skaggs
Johnson of Ellis	Smith of Hopkins

Smith of Tarrant	Waggoner
Stevenson	Walker
Stinson	Weldon
Talbert	Westbrook
Tarwater	Winfree
Tennyson	Wood
Thornberry	Worley

Absent

Broadfoot	Kenyon
Cagle	Leyendecker
Cathey	Mauritz
Davison of Fisher	McCracken
Dollins	Morris
Graves	Ragsdale
Hanna	Riddle
Harrell	Schuenemann
Harris of Dickens	Sharpe
Heflin	Shell
Holland	Stocks
Hyder	Thornton
Keith	

Absent—Excused

Alsop	Monkhouse
Carssow	Oliver
Davis of Haskell	Pope
Felty	Russell
Harris of Dallas	Sewell
Hartzog	Smith
Kelt	of Matagorda
Kern	Tennant
Lucas	Vale

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Baker:

H. B. No. 1086, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the Justice of the Peace shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2400.00) Dollars, and declaring an emergency."

Referred to the Committee on Counties.

NOTICES GIVEN

Mr. Talbert gave notice that he would, on the next legislative day,

move to take up, for consideration at that time, House Bill No. 996, which bill was heretofore laid on the table subject to call.

Notices were given that motions would be made to take up all bills, which have heretofore been laid on the table subject to call, on the next legislative day.

CONFERENCE COMMITTEE ON
SENATE BILL NO. 74

The Speaker announced the appointment of the following conference committee, on the part of the House, on Senate Bill No. 74:

Messrs. Celaya, Thornton, McKee, James and England.

COMMITTEE TO INVESTIGATE
EXPENDITURE OF CERTAIN
FUNDS

The Speaker announced the appointment of the following committee in regard to making investigation of the expenditures of the Rural Aid Appropriation:

Messrs. Bond, Davison of Fisher, London, Petsch and Metcalfe.

HOUSE BILL NO. 49 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 49, A bill to be entitled "An Act amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of The North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to The North Texas Agricultural, Mechanical and Industrial College at Arlington, and amending Article 2621 of the Revised Civil Statutes of 1925, providing a four-year course of study for said college, and declaring an emergency."

The bill was read third time.

Question—Shall House Bill No. 49 be passed?

BILLS AND RESOLUTIONS
SIGNED BY THE
SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 605, "An Act to amend Article 1813, Revised Civil Statutes

of Texas, 1925, so as to add thereto a provision for the appointment of a Special Commissioner to serve with and assist a Court of Civil Appeals where a member thereof shall be totally disabled by illness, physical or mental; providing for the appointment of such Special Commissioner by the Governor under certain defined circumstances; defining the duties, compensation, and term of office of such Special Commissioner; providing that if any part of this Act is held unconstitutional, the valid portion of the same was intended to be enacted, and providing for an emergency."

H. B. No. 150, "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease for oil and/or gas and/or sulphur and/or other mineral development all lands under its control; authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to invest funds accruing from the lease or sale of oil and/or gas and/or sulphur and/or other minerals; prescribing the mode and manner of said oil and/or gas and/or sulphur and/or other mineral leases on said land; providing for setting up any funds accruing as a permanent fund and appropriating the income therefrom; providing certain restrictions therein; making an appropriation to defray the expenses of said Board in executing the provisions of this Act, and declaring an emergency."

H. C. R. No. 93, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 605.

S. C. R. No. 54, Concerning the erection of certain memorials.

ADJOURNMENT

Mr. Blankenship moved that the House adjourn until 10:00 o'clock a. m., next Monday.

The motion prevailed and the House, accordingly, at 3:45 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Agriculture filed a favorable report on House Bill No. 557.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 7, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 473, "An Act amending Article 1583, of the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand (25,000) inhabitants and in cities of more than thirty thousand (30,000) inhabitants, by adding a new section to be known as Article 1583B; providing for vacations for jailers, jail guards, and jail matrons assigned to duty in any county jail in any city of more than twenty-five thousand (25,000) inhabitants; and providing penalties for the violation of the provisions of this Article, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 321, "An Act amending Chapter 141, Acts, Fortieth Legislature, Regular Session, as amended by Chapter 246, Acts, Forty-second Legislature, Regular Session, creating the Office of the Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Officer and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority, and duties of such officers; fixing and authorizing payment of their salaries, travel, and other expenses; providing that the main office shall be located in Austin, Travis County, Texas; providing for seal of office; repealing all laws and parts of laws in conflict therewith; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 20, Proposing an amendment to Article XVI, Section 1, of the Constitution of the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 9, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 969, "An Act authorizing the State or any subsidiary corporate body politic of the State or any other governmental agency of the State to make compensation to common school districts or independent school districts or other similar tax supported educational district-creatures of the State under certain conditions enumerated in the Act. The principal condition (not meaning hereby to exclude the other conditions specifically set out in the Act) is that the governmental agencies named in the Act are given authority to make compensation or accord aid to school districts when the construction of public improvements by governmental agencies results to impair the ability of school districts to pay their bonded debts and to properly perform their functions as educational institutions; also limiting the compensation or aid which any enumerated governmental agency may make to a school district which has conditions as set forth in the Act; also authorizing the rendition of certain lands of the State or State governmental agencies for taxation by school districts, and specifying the conditions under which this may be done; also providing for publication of notice of the intent to lease lands of certain State agencies, in certain cases, and specifying the conditions under which, and the form in which, publication must be made; stating the conditions constituting an emergency, declaring the same, and providing that the Act shall have effect immediately after its enactment."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 9, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 122, "An Act to amend Article 1315 of the Revised Civil Statutes of Texas of 1925, by the addition thereto of an Article to be designated Article 1315 (a) so as to authorize any private corporation organized under Title 32 of said Revised Statutes, subject to a finding by the Secretary of State after proper investigation that such corporation is solvent and its capital unimpaired, to extend its charter; prescribing the manner for so extending any such charter; prescribing fees to be paid for any such extension; prescribing the instances in which such extensions may be made, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 91, Correcting certain errors found in House Bill No. 473.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 7, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 605, "An Act to amend Article 1813, Revised Civil Statutes of Texas, 1925, so as to add thereto a provision for the appointment of a Special Commissioner, to serve with and assist a Court of Civil Appeals where a member thereof shall be totally disabled by illness, physical or mental; providing for the appointment of such Special Commissioner by the Governor under certain defined circumstances; defining the duties, compensation, and term of office of such Special Commissioner; providing that if any part of this Act is held unconstitutional, the valid portion of the same was intended to be

enacted, and providing for an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 9, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 93, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 605.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 9, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 150, "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control; providing for the "Agricultural and Mechanical College of Texas Special Mineral Fund" and the manner it is to be administered; providing for a permanent fund and the expenditure of the income from same; prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on

said land; appropriating certain moneys received between the effective date of the Act and August 31, 1937, to the use of the Agricultural and Mechanical College of Texas, its branches and divisions, with special provision for that part of the money collected from leases of land embraced in Experimental Station No. 4, to be expended on said station, and the amount necessary for the use of the Pineywoods Livestock Experimental Station in Senatorial District No. 4; authorizing necessary subdivision, procuring of abstracts, and advertisement with respect to sale of said leases; providing penalty for delay in drilling; fixing certain regulations with regard to leasing; providing drilling operations shall not interfere with the operations of the Agricultural and Mechanical College as an experimental station and/or farm; providing for the filing of leases and records in the State Land Office; providing for extension of leases; providing for assignment of leases and relinquishment to the State; providing the time and manner of payment of royalties; providing for reports to the Board of Directors; providing for forfeiture of lease; authorizing a majority of the Board to act; making an appropriation to defray the expenses of said Board; providing if any part of the Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

In Memory of James Benton Blair

Mr. Holland offered the following resolution:

Whereas, The Almighty Father, in His infinite wisdom has called to its eternal rest the soul of James Benton Blair, of Austin, Travis County, on Wednesday, April 7, 1937; and

Whereas, James Benton Blair served with distinction and honor as Sheriff of Bell County, Texas, and in other offices in that county and later served in certain State Departments; and

Whereas, He was a pioneer citizen, a member of a distinguished family, and the father of the Honorable Mallory B. Blair, Associate Justice of our Third Court of Civil Appeals; and

Whereas, He performed distinguished service to his county and State in all capacities in which he served, and was always ready to courageously serve and compassionately attend to the interest of his fellow man, and merited the respect of all men; and

Whereas, It is fitting and proper that in memory of such service to his county, State and fellowman that upon the memorial pages of the Journal this token be spread; now, therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature, That they express their regrets at the passing of this worthy and respected citizen; and, be it further

Resolved, That a copy of this resolution be spread on the Journal of today in memory of the deceased; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send the family of the deceased copies of this resolution under the seal of the Chief Clerk of the House of Representatives.

HOLLAND,
PATTERSON of Travis,
THORNBERRY,
GRAVES,
HUDDLESTON,
JONES of Falls.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Hoskins, Howard, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Little, the names of all of the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of
Mr. Roy Adams

Mr. Davis of Jasper offered the following resolution:

Whereas, The House of Representatives has just learned with sorrow of the passing of Mr. Roy Adams of Jasper Texas, the father of John R. Adams; and

Whereas, John R. Adams is Assistant Supply Clerk of the House of Representatives;

Whereas, The death of Mr. Adams brings sadness and sorrow to the hearts of his many friends in the House of Representatives; and

Whereas, The Members of the House extend their sympathy in this hour of sadness and bereavement to John R. Adams and his mother, Mrs. Mabel Adams; now, therefore, be it

Resolved by the Members of the House of Representatives, That a copy of this resolution be spread upon the minutes of the House Journal of today and that copies be sent to the members of his family.

DAVIS of Jasper,
WESTBROOK.

The resolution was read second time, and was unanimously adopted.

In Memory of
Dr. O. E. Olander

Mr. Thornberry offered the following resolution:

Whereas, The House has learned, with deep regret, of the untimely passing of one of its former Members, the Honorable Dr. O. E. Olander of Austin, Travis County, Texas, on April 7, 1937; and

Whereas, Dr. Olander was one of the founders of the Texas Wesleyan College, and served for twenty years as its President; and

Whereas, He spent his entire life in the service of his church and his State; and

Whereas, Dr. Olander served for one term as a Member of the Legislature from Travis County, Texas, and served his State with distinction throughout the entire period of his service; and

Whereas, The services of this great man were such that his influence will be remembered, and his life will be an inspiration for many years to come; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Members thereof regret exceedingly the departure of this man, and sympathize with his bereaved loved ones; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today, in memory of the deceased; and, be it further

Resolved, When the House adjourns today, that it do so in respect and in memory of this great man; and, be it further

Resolved, That copies of this resolution be sent by the Chief Clerk to the relatives of the deceased and to the officials of Texas Wesleyan College.

The resolution was read second time, and was unanimously adopted.